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Item 99 of the preliminary list*
**Crime prevention and criminal justice**

# Crime prevention and criminal justice

## Note by the Secretary-General

I have the honour to transmit to the members of the General Assembly the report of the High-level Political Conference for the Purpose of Signing the United Nations Convention against Corruption, which was prepared in accordance with General Assembly resolution 58/4 of 31 October 2003, for information and follow-up, in particular with the objective of supporting the early entry into force of the Convention. The document was originally distributed on 19 December 2003 under the symbol A/CONF.205/2.

* A/59/50 and Corr.1.

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# Report of the High-level Political Conference for the Purpose of Signing the United Nations Convention against Corruption, held in Merida, Mexico, from 9 to 11 December 2003

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# I. Background of and preparations for the Conference

1. In its resolution 55/61 of 4 December 2000, the General Assembly recognized that an effective international legal instrument against corruption, independent of the United Nations Convention against Transnational Organized Crime (resolution 55/25, annex I) was desirable; and decided to establish an ad hoc committee for the negotiation of such an instrument in Vienna at the headquarters of the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention (now known as the United Nations Office on Drugs and Crime).

2. In its resolution 56/260 of 31 January 2002, the General Assembly decided that the Ad Hoc Committee for the Negotiation of a Convention against Corruption should negotiate a broad and effective convention, which, subject to the final determination of its title, should be referred to as the "United Nations Convention against Corruption"; and requested the Ad Hoc Committee, in developing the draft convention, to adopt a comprehensive and multidisciplinary approach and to consider, inter alia, the following indicative elements: definitions; scope; protection of sovereignty; preventive measures; criminalization; sanctions and remedies; confiscation and seizure; jurisdiction; liability of legal persons; protection of witnesses and victims; promoting and strengthening international cooperation; preventing and combating the transfer of funds of illicit origin derived from acts of corruption, including the laundering of funds, and returning such funds; technical assistance; collection, exchange and analysis of information; and mechanisms for monitoring implementation.

3. In its resolution 57/169 of 18 December 2002, the General Assembly noted the progress made by the Ad Hoc Committee, and urged the Ad Hoc Committee to endeavour to complete its work by the end of 2003.

4. Also in its resolution 57/169, the General Assembly accepted with appreciation the offer made by the Government of Mexico to host a high-level political conference for the purpose of signing the convention; and decided to convene the conference for a period of three days before the end of 2003.

5. The Ad Hoc Committee held seven sessions, as follows: first session from 21 January to 1 February 2002; second session from 17 to 28 June 2002; third session from 30 September to 11 October 2002; fourth session from 13 to 24 January 2003; fifth session from 10 to 21 March 2003; sixth session from 21 July to 8 August 2003; and seventh session from 29 September to 1 October 2003.

6. In its resolution 58/4 of 31 October 2003, the General Assembly adopted the United Nations Convention against Corruption and opened it for signature at the High-level Political Signing Conference, to be held in Merida, Mexico, from 9 to 11 December 2003. The present report is submitted to the Assembly in accordance with resolution 58/4.

# II. Attendance and organization of work

7. The High-level Political Conference for the Purpose of Signing the United Nations Convention against Corruption was held in Merida, Mexico, from 9 to 11 December 2003, pursuant to General Assembly resolution 57/169.

8. The signatories to the United Nations Convention against Corruption are listed in annex I to the present report.

## A. Attendance

9. The High-level Political Signing Conference was attended by representatives of 111 States. Also attending the Conference were observers for United Nations Secretariat units and other entities and specialized agencies of the United Nations system and intergovernmental and non-governmental organizations.

10. Over 18 experts participated in the Conference as observers.

11. The list of participants is contained in annex II to the present report.

## B. Opening of the Conference

12. The High-level Political Signing Conference was opened on 9 December 2003 by the President of the United Mexican States and by the Under-Secretary-General for Legal Affairs, the Legal Counsel, who delivered a message on behalf of the Secretary-General.

13. The Governor of Yucatan welcomed the participants of the Conference to Merida.

14. In a message delivered on his behalf by the Under-Secretary-General for Legal Affairs, the Legal Counsel, the Secretary-General stated that the Conference was a major victory in the struggle against corruption. Recognized as a multifaceted challenge, corruption was insidiously affecting all people, but most severely poor people in developing countries. He stressed the crucial role of the rule of law in the fight against corruption and commended the progress made by many States in that endeavour. The Convention, he underscored, would be expected to bring together fragmented national efforts. He highlighted the provisions on asset recovery, as well as those on support and the involvement of civil society, including the private sector. In that regard, he mentioned that the Global Compact Initiative could play an active role in helping to implement the Convention.

15. Stressing that States were responsible for eradicating corruption under the Convention, the Secretary-General assured delegates that the United Nations would continue to work with Governments and civil society in the global struggle against corruption. He recalled that, in its resolution 58/4, the General Assembly had decided that 9 December should be designated International Anti-Corruption Day in order to raise awareness of corruption and the role of the Convention in combating and preventing it. He also stated that the United Nations itself had launched an organizational integrity initiative aimed at strengthening overall transparency and accountability in the Organization. He urged all States to ratify the Convention at the earliest possible date, as that would help to ensure that the vulnerable were protected from corruption and also help the international community to achieve the Millennium Development Goals.

16. The President of the United Mexican States, emphasizing that the fight against corruption was a responsibility towards future generations, stated that the United

Nations Convention against Corruption provided comprehensive and practical tools to prevent and eradicate corruption. Corruption was a real threat to the economy and to development and undermined efforts to improve standards of living. Eliminating corruption was by no means an unattainable goal, but it would require the firm political will of States to tackle jointly and consistently the scourge and its root causes. The Convention would help States to create a new culture of legality, based on confidence, accountability and transparency, and consequently would strengthen national efforts against poverty, inequality and injustice. He reiterated the continuous commitment of the Government of Mexico to implement the Convention in order to prevent and eradicate corruption. Finally, he expressed the hope that all States would sign and subsequently ratify the Convention and that it would enter into force by the first anniversary of International Anti-Corruption Day.

## C. Election of the President of the Conference

17. At its 1st meeting, on 9 December, the Conference decided to follow standard practice and to confer on the host country the Presidency of the Conference. Accordingly, the Conference elected, by acclamation, Luis Ernesto Derbez Bautista President of the Conference.

18. At the same meeting, on the recommendation of its President, the Conference conferred on the representative of Colombia the position of Honorary President as a tribute to the memory of the late Chairman of the Ad Hoc Committee, Héctor Charry Samper (Colombia), and in recognition of his contribution to the advancement of the negotiation process.

## D. Election of other officers

19. At the same meeting, the Conference also elected by acclamation the following Vice-Presidents: the representatives of Austria, Hungary, Jordan, Mauritius, Nigeria, Peru, the Philippines and the United Kingdom of Great Britain and Northern Ireland. The Conference also elected the representative of Poland as Rapporteur.

## E. Adoption of the rules of procedure

20. At the same meeting, the Conference decided that the rules of procedure of the General Assembly would apply, mutatis mutandis, to the proceedings of the Conference.

## F. Adoption of the agenda

21. At the same meeting, the Conference adopted its provisional agenda (A/CONF.205/1). The agenda was as follows:

1. Opening of the Conference.
2. Organizational matters:

(a) Election of the President of the Conference;

(b) Election of other officers;

(c) Rules of procedure;

(d) Adoption of the agenda and organization of work;

(e) Credentials of representatives to the Conference: report of the Executive Director of the United Nations Office on Drugs and Crime.

3. The United Nations Convention against Corruption: follow-up activities and future work for its effective implementation.

4. Signature of the United Nations Convention against Corruption.

5. Adoption of the report of the Conference.

### G. Credentials of representatives to the Conference

22. The Executive Director, assisted by the Legal Officer and the Secretary of the Conference, examined the credentials of representatives participating in the Conference and reported to the Conference that such credentials were found to be in order.

### H. Organization of work

23. At its 1st meeting, on 9 December, the Conference approved its organization of work (A/CONF.205/1, annex).

## III. Proceedings of the Conference

24. The Signing Conference provided a unique opportunity for States to reiterate their commitment to join forces to prevent and control corruption.

25. At the 1st to 6th meetings, on 9 to 11 December 2003, statements were made by representatives of the following States: Algeria, Angola, Australia, Austria, Barbados, Benin, Bolivia, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Canada, Chile, China, Colombia, Comoros, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, France, Gabon, Germany, Greece, Guatemala, Haiti, Hungary, India, Indonesia, Iran (Islamic Republic of), Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Liechtenstein, Luxembourg, Madagascar, Malaysia, Mali, Mauritius, Morocco, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Slovakia, South Africa, Spain, Sweden, Switzerland, Syrian Arab Republic, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Viet Nam, Yemen and Zambia.

26. All speakers expressed their strong support for the United Nations Convention against Corruption, as it was the first truly global and determined step towards the elimination of the multidimensional scourge of corruption, which affected the lives of all people and disproportionately the lives of the poorest among them. Several speakers used the opportunity to share their experience in relation to lessons learned in the fight against corruption at the national and regional levels. The Conference sent a clear message that the international community was determined to intensify its efforts to prevent and combat corruption, using as a vehicle the new Convention.

## A. Multidimensional impact of corruption

27. All speakers concurred with the view that corruption inflicted grievous harm on States in several ways. Many speakers emphasized that corruption had a crippling effect on the economic development of States; posed a serious threat to sustainable development and poverty eradication; broadened inequalities in wealth and lowered living standards; impeded the utilization of resources and depleted official development aid; distorted markets; and triggered capital flight. In some countries, the large scale of looted assets created exceptionally difficult circumstances and seriously hampered or reversed development. At the same time, corruption caused extensive damage to institutions. Corruption impaired the rule of law and democracy, violated human rights and trammelled justice. Corrupt institutions failed to deliver even the most basic services in an effective and efficient manner and undermined the confidence in and the legitimacy of government. The links between corruption and other forms of serious crime, especially transnational organized crime, money-laundering, drug trafficking and terrorism, were also highlighted. Those links posed a serious threat to peace and stability. Several speakers treated corruption as an ethical matter as well. While discussing various aspects of the problem of corruption, a number of speakers mentioned that corruption affected the poor most severely. That disproportional effect was confirmed by the results of extensive research, as pointed out by the representative of the World Bank Institute. Many speakers expressed concern that the negative impact of corruption would extend to future generations.

## B. Need for a global legal instrument against corruption

28. There was broad consensus at the Conference that corruption had become a global threat and therefore required a global response. Offenders exploited the opportunities afforded by globalization and technological advancement. In that connection, several speakers emphasized the importance of joint efforts by the international community in the fight against corruption. Some also pointed out that the links between corruption and other forms of transnational crime, especially organized crime and terrorism, made it impossible for a single State to tackle corruption offences in an effective manner alone. The new Convention was a manifestation of the determined will of the international community to eliminate safe havens for offenders.

## C. Expectations for the new United Nations Convention against Corruption

29. While the provisions regarding asset recovery in the Convention were considered a major breakthrough and received considerable attention during the Conference, many speakers also valued the comprehensiveness and balance of the measures set forth in the new instrument and acknowledged that its chapters were of equal importance.

30. Regarding preventive measures, some speakers pointed out that the complexity of corruption required dynamic preventive measures. In that connection, several speakers mentioned that the international community should place equal importance on prevention in both the public and the private sector. The active role of civil society and the media in preventive measures was also underscored, in particular by representatives of civil society.

31. The comprehensive approach taken in the chapter on criminalization was also noted by several speakers, who highlighted the broad scope of the new Convention and the wide range of offences that it covered, including corruption in the private sector.

32. The paramount importance of international cooperation, in particular between law enforcement authorities, was repeatedly emphasized. Several speakers described their own experience and the challenges they had faced in cooperation. In that connection, some speakers appreciated that bank secrecy could not obstruct mutual legal assistance and that the Convention narrowed the requirements of dual criminality in international cooperation. Many speakers voiced their expectations for enhanced international cooperation under the new Convention.

33. As a fundamental principle of the Convention, asset recovery attracted considerable attention. Both developing and developed countries emphasized the importance of the chapter on asset recovery, as the transfer of proceeds of crime impeded sustainable development and placed a burden on the most vulnerable. Representatives of those States whose property had been looted described the devastation caused by the transfer of significant assets abroad as a result of corruption and appealed for further cooperation in asset recovery.

34. Many representatives addressed the issue of implementation of the Convention and emphasized the importance of the commitment to put its provisions into action, while some speakers also gave emphasis to the respect for sovereignty as well as the conformity with existing international human rights standards. In that regard, the importance of technical assistance for developing countries was also stressed. Several speakers made proposals for activities and functions of the Conference of the States Parties to the Convention, including references to precedents of relevant regional conventions and the role of existing regional mechanisms in implementation of the Convention and their compatibility with it.

## D. Sharing experience and lessons learned

35. Many speakers took advantage of the opportunity offered by the Conference to share their invaluable experience in the fight against corruption at the national and

regional levels. Several representatives informed the Conference of progress made towards the elimination of corruption and lessons learned at the national level. The representatives of some donor States emphasized that the official development aid provided by their Governments was aimed at ensuring good governance. The representative of the Office of Internal Oversight Services of the Secretariat informed the Conference of the preventive strategy of the Office within the United Nations in line with the provisions of the Convention. Speakers also mentioned previous initiatives in the fight against corruption, such as the comprehensive policy against corruption of the European Union; the action taken by the Group of States against Corruption; the Inter-American Convention against Corruption,[1] the action taken by the Group of Eight; the African Union Convention on Preventing and Combating Corruption; the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions;[2] the Conventions adopted by the Council of Europe; the Protocol against Corruption of the Southern African Development Community; the declarations of the International Anti-Corruption Conference; the Leaders' Declarations of the Asia-Pacific Economic Cooperation meetings; the outcome of the Global Forum on Fighting Corruption and Safeguarding Integrity; and the Rules of Conduct to Combat Extortion and Bribery in International Business Transactions of the International Chamber of Commerce. It was also noted that the Convention against Corruption had come into existence in line with other significant global initiatives, including the Millennium Development Goals, the Monterrey Consensus[3] and the Johannesburg Declaration on Sustainable Development.[4]

## E. The road ahead

36. All those present agreed on the importance of the expeditious entry into force of the Convention against Corruption and appealed for joint efforts by the international community, as well as robust and consistent political will towards that end. In that connection, the need to support the United Nations Office on Drugs and Crime in its efforts to promote ratification of the Convention was underscored. Many representatives welcomed the strong commitment demonstrated by Kenya, which had deposited the first instrument of ratification on the opening day of the Conference. The representative of Jordan expressed his Government's interest in hosting the first session of the Conference of the States Parties to the Convention.

37. The Under-Secretary-General for Legal Affairs, the Legal Counsel, made a special appeal to judges all over the world to join the common effort to eradicate corruption within the profession at both the national and the international level, on the occasion of the momentous High-level Political Signing Conference (see annex III).

38. Statements were also made by observers for the following entities: the Office of Internal Oversight Services, the World Bank, the Asian Development Bank, the Asian-African Legal Consultative Organization, the Council of Europe, the European Commission, the International Chamber of Commerce, the Association of Inspectors General and Transparency International.

39. The Conference also included opportunities for high-level delegates to discuss matters related to the Convention, in particular follow-up activities for its effective

implementation and future work. Accordingly, the organization of work included round tables on the following subjects:

(a) Preventive measures against corruption: the role of the private and public sectors;

(b) The role of civil society and the media in fostering an anti-corruption culture;

(c) Legislative measures to implement the United Nations Convention against Corruption;

(d) Measures to combat corruption in international financial systems.

40. While each of the four panels considered the specific role of the various institutions and sectors active in the fight against corruption, there was overwhelming agreement that only a comprehensive and integrated anti-corruption strategy, targeting the political, social and economic domains, could be successful. No institutions or sector could fight corruption in isolation. A successful anti-corruption strategy would therefore need to involve all institutions active in the fight against corruption, including supreme audit institutions, public prosecutors' offices, the police, the financial oversight institutions, the public administration and the private sector, as well as civil society. National strategies needed to be further integrated at the international level. In that context the United Nations Convention against Corruption provided a foundation on which international cooperation could flourish.

41. Panellists and other speakers repeatedly emphasized the crucial role of civil society in the fight against corruption, both in its oversight function and as a catalyst for anti-corruption reforms. Governments should strive towards more active involvement of civil society organizations, non-governmental organizations and youth. The role of civil society was particularly important where Governments and the private sector lacked the political will and had therefore failed to address corruption in an effective manner. It was suggested that civil society, supported by the media, should also exert pressure on Governments to ensure the speedy ratification of the Convention. Some of the specific functions that civil society should fulfil included the monitoring of political candidates during elections. In particular, speakers mentioned the importance of monitoring the financial assets of political candidates and public scrutiny to verify government expenditure. Participants also agreed that, in order for civil society organizations to maintain their credibility, they needed to ensure their own compliance with the principles of integrity, transparency and good governance.

42. The main task of the media in the fight against corruption consisted of identifying and exposing mismanagement and corruption in the public sector, thereby holding Governments accountable for their actions. A further consequence of such surveillance by a free, impartial press was that it promoted a culture of intolerance of corruption. By putting into the public domain information that would otherwise have remained secret, it helped to raise the expectations of a vigilant and effective civil society that insisted on government accountability.

43. Furthermore, as was also recognized in the Convention, special efforts were needed in the area of prevention, targeting the root causes of corruption rather than merely treating its symptoms. A system of effective checks and balances needed to

be established and codes of conduct should be adopted. Declaration of assets should be made obligatory, in particular for high-level public officials. Participants also recommended paying special attention to those areas of the public sector which were typically corruption-prone, such as the police and the tax and customs authorities. Several speakers supported the creation of an international register of companies found to have engaged in bribery.

44. As the Convention was opened for signature, participants debated the legislative measures needed to implement it. The appropriate legislative tools were essential for compliance with the Convention, so transforming its provisions into national law was the first step towards implementation. Speakers agreed that parliaments played a crucial, multifaceted role in that process as they not only had to pass legislation, but also had to monitor its effective implementation. Moreover, parliaments could undertake specific anti-corruption tasks, in particular, in exercising scrutiny of the executive and of public expenditure.

45. Speakers agreed on the importance of creating an institutional framework that could ensure implementation of the legislation. Such a framework might include independent anti-corruption agencies with a broad mandate, as well as independent anti-corruption agencies, with comprehensive mandates covering investigation and prosecution, prevention and awareness-raising, as they had proved to be effective in several jurisdictions. Such institutions, though independent, should not be isolated: they should establish a means of maintaining collaboration and coordination with the public sector, the private sector and the general public. Furthermore, they could act effectively only if they were given legal powers of investigation.

46. Parliamentarians throughout the world had the grave responsibility of getting to know in detail the contents of the Convention in order to understand the implications for their respective national legal systems and in order to develop laws rapidly and effectively that would give expression to the letter as well as to the spirit of the Convention. That was a great challenge, in particular with regard to areas where the provisions of the Convention needed to be harmonized with existing regional anti-corruption instruments, such as those dealing with preventive measures and asset recovery.

47. Speakers also acknowledged the key role of the financial system in combating corruption. Under the terms of the Convention States had to ensure that they had in place a broad internal regime of regulation and supervision of banks and financial institutions that included the use of registries and systems for reporting suspicious transactions so as to enable financial institutions to verify the identity of clients and, when necessary, to take reasonable measures to determine the identity of the final beneficiary of any financial transaction. Such measures were particularly important in the implementation of those provisions of the Convention which dealt with asset recovery—or the return of state assets in large-scale corruption cases involving individual officials and their associates.

48. Furthermore, use of such measures should not be limited to banks and financial institutions, but non-financial sectors, too, including the legal and accountancy professions, should take responsibility for reporting suspicious transactions. In that regard, professional associations played a crucial oversight role in promoting and monitoring their members' compliance. Speakers also emphasized

that bankers and others should no longer be able to invoke principles associated with bank secrecy in order to block criminal investigations.

49. It was deemed essential for States to engage in swift and effective international cooperation to address transnational crime, including such measures as mutual legal assistance, extradition and exchange of information. Finally, speakers concluded that the fight against corruption required as a minimum the political will of Governments, a strong and impartial judiciary and the active commitment of civil society.

## IV. Adoption of the report and closure of the Conference

50. At its 6th meeting, on 11 December, the Conference considered and adopted its report (A/CONF.205/L.1). Closing statements were made by the Mayor of Merida, the President of the Conference and the Executive Director of the United Nations Office on Drugs and Crime, who expressed his gratitude to the Government of Mexico for hosting the historic Conference. He also reiterated the call of the President of the United Mexican States to reach 30 ratifications and thus the entry into force of the Convention by the first anniversary of International Anti-Corruption Day on 9 December 2004.

*Notes*

[1] See E/1996/99.

[2] See *Corruption and Integrity Improvement Initiatives in Developing Countries* (United Nations publication, Sales No. E.98.III.B.18).

[3] *Report of the International Conference on Financing for Development, Monterrey, Mexico, 18-22 March 2002* (United Nations publication, Sales No. E.02.II.A.7), chap. I, resolution 1, annex.

[4] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 1, annex.

# Annex I

## Signatories to the United Nations Convention against Corruption, 9-11 December 2003

*Signatory*

Algeria
Angola
Argentina
Australia
Austria
Barbados
Belgium
Benin
Bolivia
Brazil
Brunei Darussalam
Bulgaria
Burkina Faso
Cameroon
Cape Verde
Chile
China
Colombia
Comoros
Costa Rica
Côte d'Ivoire
Croatia
Cyprus
Denmark
Dominican Republic
Ecuador
Egypt
El Salvador
Ethiopia
Finland
France
Gabon
Germany
Greece
Guatemala
Haiti
Hungary
Iran (Islamic Republic of)
Ireland
Italy
Japan
Jordan
Kenya
Kuwait
Kyrgyzstan
Lao People's Democratic Republic
Liechtenstein
Lithuania
Luxembourg
Madagascar
Malaysia
Mali
Mauritius
Mexico
Morocco
Namibia
Nepal
Netherlands
New Zealand
Nicaragua
Nigeria
Norway
Pakistan
Panama
Paraguay
Peru
Philippines
Poland
Portugal
Republic of Korea
Romania
Russian Federation
Senegal
Serbia and Montenegro
Sierra Leone
Slovakia
South Africa
Sweden
Switzerland
Syrian Arab Republic
Thailand
Timor-Leste
Togo
Trinidad and Tobago
Turkey
Uganda
Ukraine
United Kingdom of Great Britain and Northern Ireland
United Republic of Tanzania
United States of America
Uruguay
Venezuela
Viet Nam
Yemen
Zambia

*Ratifying State*

Kenya

# Annex II

## List of participants

**States**

| | |
|---|---|
| Algeria | El Tayeb Belaiz, Abdelkader Taffar, Nabil Hattafi, Marouk Nacereddine, Ahmed Oualitsene, Abdelouahab Hamed, Ahmed Halimi, Sonia Bisker, Kamal Boughaba, Lotfi Boufedji |
| Angola | Fidelino Loy de Jesus Figueiredo, José Jaime Furtado Goncalves, Sebastião Fernandes, João Manuel Sebastião Neto |
| Argentina | D. Oscar Galie |
| Australia | Graeme Wilson |
| Austria | Thomas Stelzer, Michael Desser |
| Barbados | Louis Tull |
| Belgium | Michel Delfosse |
| Benin | Dorothée Sossa, Anna Cica Adjai, Guy Ogoubiyi, Malick Boukari |
| Bolivia | Maria Guadalupe Cajias de Perez, Eunice Vedia, Juan Carlos Terrazas Soria Galvarro |
| Brazil | Waldir Pires, Iveie Lund Viegas, Marcos Vinicius Pinta Gama, Luiz Augusto Fraga Navarro de Britto Filho, Patricia Maria Oliveira Lima |
| Brunei Darussalam | Pg. A. D. Puteh, Hj Kifawibin D. P. Hj Kifli, Hja Intan Hj Md Kassimi, Md Juanda bin Abd Rashid, Hj Nabil Daraina bin P. U. K. D. P. Hj Badaruddin, Dk Norhashimah Pg. Md Hassan, Megawati D. P. Hja Manan |
| Bulgaria | Ivan Christov |
| Burkina Faso | Michael Kafando, Béatrice Damiba, Antoine Somdah, Augustin Salambanga |
| Cameroon | Ali Amadou, Martin Belinga Eboutou, Egbe Achou Hillmann |
| Canada | Robert Hage, Simon Cridland, Martin Laflamme, Neil Reeder |
| Cape Verde | Luis de Matos Monteiro da Fonseca |
| Chile | Luis Bates Hidalgo, Rodrigo Medina Jara, Marco Aguayo Tamsec |

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|---|---|
| China | Zhang Yesui, Ren Jingyu, Qu Wanxiang, Sun Li, Duan Jielong, Tian Lixiao, Lu Baosheng, Wang Qun, Liu Xiaoyan |
| Colombia | Luis Ignacio Guzman Ramirez, Felipe Reyes de la Vega, Carlos Rodriguez Bocanegra |
| Comoros | Sultan Chouzour, Ahmed Djaffar |
| Costa Rica | Marco Vinicio Vargas Pereira, Ronald Gurdian Maichena |
| Côte d'Ivoire | Fiacre Kili Fagnidi |
| Croatia | Ingrid Anticevic Marinovic, Zdravko Stojanovic, Vesna Vukovic |
| Cuba | Amando Diez Espinosa, Rafael Reyes Diaz, Pedro Manuel Alvarez Aguirre |
| Cyprus | Solon Nikitas, Yiannakis Lazarou, Antonis Toumazis |
| Czech Republic | Vera Zemanová, Jaroslav Stepanek |
| Democratic People's Republic of Korea | Ri Kang Se, Song Sun Ryong |
| Denmark | Søren Haslund |
| Dominican Republic | Jésus Miguel Faustino Collado Taveras, Jesus Ma. Feliz Jimenez, Maximo R. Castillo Salas, Katiuska Rosa Bobea de Brenes |
| Ecuador | Ramiro Larrea Santos, Francisco Herrera Arauz |
| Egypt | Mamdouh Shawky Moustafa Kamel |
| El Salvador | Maria Eugenia Brizuela de Avila, Victor Manuel Lagos Pizzati |
| Ethiopia | Berhanu Dibaba |
| Finland | Johannes Koskinen, Ilkka Heiskanen |
| France | Patrick Villemur, Isabelle Minguet, Raphael Trannoy |
| Gabon | Martin Mabala, Denis Dangue Rewake, Joachim Nzikoue |
| Germany | Eberhard Kölsch, Joerg-Werner Marquardt, Manfred Moehrenschlager, Manon Geissler |
| Greece | Dionyssios Kodellas |
| Guatemala | Edgar Armando Gutiérrez Girón, Federico Urruela Prado, Jorge Escoto Marroquin |

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|---|---|
| Haiti | Calixte Delatour, Idalbert Pierre-Jean, Marcel Picoche, Michelange Obas |
| Holy See | Giuseppe Bertello, Emilio Carlos Berlie Belaunzarán, Jorge Vega Carrillo, Jorge Carlos Estrada Avilés |
| Hungary | Gábor Bródy, István Posta |
| India | Harin Pathak, T. P. Sreenivasan, W. R. Reddy, Subhash S. Patel, Anup Kumar Mudgal, Narender Kumar Sharma |
| Indonesia | Mangasi Sihombing, T. A. Samodra Sriwidjaja, Ahwil Lutan, Berty Fernandez, Krishna Pandji, Listyowati, Octavio Alimudin, Andihika Chrisnayudhanto, Alfiano Tamala, Otto Cornelis Kaligis, Indra Sahnun Lubis, M. Y. Purwaning |
| Iran (Islamic Republic of) | Gholamali Khoshroo, Mohammad Rohisefat, Ali Hajigholam Saryazdi |
| Ireland | Art Agnew |
| Israel | David Dadonn |
| Italy | Roberto Castelli, Settembrino Nebbioso, Giovanni Verucci, Gianfranco Tatozzi, Stefano Simonetti, Carlo Corti, Lorenzo Colombo, Stefano Cima, Nicola Maiorano, Roberta Barberini, Pierluigi Ferraro, Roberto Bellelli, Daniela Bochicchio |
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**United Nations Secretariat**

Office of Legal Affairs, Office for Internal Oversight Services, United Nations Office on Drugs and Crime

**United Nations bodies**

United Nations Development Programme

**Specialized agencies of the United Nations system**

World Bank, United Nations Industrial Development Organization

**Intergovernmental organizations**

Asian-African Legal Consultative Organization, Asian Development Bank, Council of Europe, International Criminal Police Organization, Offshore Group of Banking Supervisors, Organisation for Economic Cooperation and Development

**Non-governmental organizations in consultative status with the Economic and Social Council**

*General consultative status*: Asia Crime Prevention Foundation, International Chamber of Commerce

*Special consultative status*: Syriac Universal Alliance, Transparency International

**Other non-governmental organizations**

Association of Inspectors General, Católicas por el Derecho a Decidir, Coparmex, Educación para la Democracia A.C., Indinación A.C., Instituto Electoral del Estado de Yucatán, Participación Ciudadana A.C., Sin Corrupción es Mejor A.C., Instituto Tecnológico de Estudios Superiores de Monterrey, Tribunal Superior de Justicia, Universidad de Salamanca, Grupo de Estudio contra la Corrupción, Spain

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# Annex III

## Appeal to judges worldwide by the Under-Secretary-General for Legal Affairs, the Legal Counsel

Since my professional experience is deeply rooted in the judiciary of my own country—I had the privilege of serving in several judicial functions in the past—I would like to use the opportunity of this Conference to make the following personal appeal to judges worldwide.

The adoption of the United Nations Convention against Corruption is a major step forward in the fight against a phenomenon that has devastating effects on our efforts to create societies under the rule of law. But the Convention and the consequent national legislation must be faithfully implemented.

It is a sad fact that not all national justice systems are free from corruption. To eradicate corruption from these systems is a task in which many are involved—within the legal profession and elsewhere. It goes without saying that the way in which the legal profession, in particular the judiciary, deals with corruption is one of the most important factors for the prospects of success. A corrupt judiciary means that the very mechanism designed to eradicate corruption has itself been infected with the disease. This is a devastating blow to the courageous efforts of others who are engaged in the fight against this scourge.

Corruption is a crime. But, basically, it is a question of morality and ethics. Those of us who are engaged in the administration and dispensation of justice know that there are many different issues that have to be addressed in this context, in particular the status and remuneration accorded to judges at the national level. But the fact that these issues may not have been solved in a fully satisfactory manner in all instances can never be an excuse. A judge must have integrity and self-respect, and someone with even a minimum of self-respect would shun corruption.

On this solemn occasion, I appeal to judges worldwide to engage effectively in the fight against corruption by individually setting the example. In particular, I turn to senior members of the profession. Your example will be of decisive importance for new generations of judges.

Judges all over the world: let today's event be a signal to us to join hands, at the national level and across borders, in a common effort to eradicate corruption within our own profession. This is the most important contribution we can make to the common effort, in which so many people are engaged, to create societies where we all can live in dignity.

United Nations A/59/78

General Assembly

Distr.: General
4 May 2004

Original: English

**Fifty-ninth session**
Items 111 and 123 of the preliminary list*

**Programme budget for the biennium 2004-2005**

**Administration of justice at the United Nations**

# Possibility of the financial independence of the United Nations Administrative Tribunal from the Office of Legal Affairs

## Report of the Secretary-General

*Summary*

In its resolution 57/307 of 15 April 2003, the General Assembly requested the Secretary-General to take steps to ensure the independence of the United Nations Administrative Tribunal and the separation of its secretariat from the Office of Legal Affairs and to study the possibility of its financial independence. In its resolution 58/270 of 23 December 2003, the Secretary-General was requested to report to the General Assembly on this subject at its fifty-ninth session.

In response to the above requests, the General Assembly is requested to take note of this report and to approve the transfer of resources related to UNAT from Section 8, Office of Legal Affairs, to Section 1, Overall policy-making, direction and coordination, effective as of the biennium 2006-2007.

* A/59/50 and Corr.1.

04-33782 (E) 210504

# I. Introduction

1. In operative paragraph 5 of its resolution 57/307 of 15 April 2003, the General Assembly requested the Secretary-General to take steps to ensure the independence of the United Nations Administrative Tribunal and the separation of its secretariat from the Office of Legal Affairs and to study the possibility of its financial independence. Subsequently, in its resolution 58/270 of 23 December 2003, the General Assembly requested the Secretary-General to submit the report at its fifty-ninth session.

# II. Historical background of the United Nations Administrative Tribunal

2. The United Nations Administrative Tribunal (UNAT) was established by the General Assembly in its resolution 351 A (IV) of 24 November 1949 as the independent organ competent to hear and pass judgement upon applications alleging non-observance of contracts of employment of staff members of the Secretariat of the United Nations or of their terms of appointment. The Tribunal may also hear applications alleging non-observance of the regulations and rules of the United Nations Joint Staff Pension Fund (UNJSPF).

3. The Tribunal is composed of seven members, no two of whom may be nationals of the same State, who are appointed by the Assembly initially for four years and may be reappointed once. Members shall possess judicial or other relevant legal experience in the field of administrative law or its equivalent within the member's national jurisdiction. The competence of the Tribunal extends to the secretariats of the associated programmes that are financed from voluntary contributions, such as the United Nations Development Programme, the United Nations Children's Fund, the United Nations Population Fund, the Office of the United Nations High Commissioner for Refugees and the United Nations Relief and Works Agency for Palestine Refugees in the Near East. Under article 14 of the Tribunal's Statute, the competence of the Tribunal has also been extended to the International Maritime Organization and the International Civil Aviation Organization, to the staff of the Registry of the International Court of Justice, the Registry of the International Tribunal for the Law of the Sea, and to the staff of the International Seabed Authority.

4. The secretariat of the United Nations Administrative Tribunal performs legal and secretarial services for the Tribunal. It is headed by an Executive Secretary, who is accountable to the President of the Tribunal for all substantive matters. The secretariat of the Tribunal is provided with administrative support by the Executive Office of the Office of Legal Affairs (OLA) in view of the absence of a full administrative structure within the UNAT secretariat itself. OLA does not provide any substantive direction or oversight to the UNAT secretariat.

## III. Proposal for transfer of the United Nations Administrative Tribunal

5. The Executive Office of OLA supports the secretariat of UNAT in its day-to-day operations by providing administrative and logistical services as requested by the Executive Secretary. Without such service, the secretariat of UNAT would need an entire administrative infrastructure of its own.

6. UNAT is financially independent from OLA insofar as separate budgetary provisions are made for its operation. These are reflected under the heading "policy-making organs" of Section 8, Office of Legal Affairs, of the programme budget.

7. However, to avoid any appearance of undue influence by the Respondent, it is proposed that UNAT and its secretariat be included under Section 1, Overall policy-making, direction and coordination, of the programme budget.

8. Relocating UNAT to this section of the programme budget would address the request reflected in resolution 58/270. Further, it would bring UNAT and its secretariat in line with comparable subsidiary organs of the General Assembly including the Advisory Committee on Administrative and Budgetary Questions, the Committee on Contributions, the United Nations Board of Auditors, and the United Nations Joint Staff Pension Fund, which are financially and operationally independent but for which budgetary provisions are reflected under Section 1, Overall policy-making, direction and coordination, of the programme budget.

## IV. Conclusion and recommendation

9. Should the General Assembly adopt the proposal, as of the biennium 2006-2007, the financial resources for UNAT would be reflected under Section 1, Overall policy-making, direction and coordination. For the biennium 2004-2005, the level of resources allocated to UNAT and its secretariat amounts to $1,532,000, which provides for four posts (1 P-5, 1 P-3, and 2 GS/OL) and various non-post items.

10. **It is recommended that the General Assembly take note of the report and approve the proposal of the Secretary-General to transfer the resources of UNAT from Section 8, Office of Legal Affairs, to Section 1, Overall policy-making, direction and coordination, effective with the beginning of the new biennium 2006-2007.**

United Nations A/59/79

General Assembly

Distr.: General
5 May 2004

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**Fifty-ninth session**
Agenda item 112 of the preliminary list*
**Programme planning**

# Strengthening the role of evaluation findings in programme design, delivery and policy directives

## Note by the Secretary-General**

In conformity with General Assembly resolution 48/218 B of 29 July 1994 and 54/244 of 23 December 1999, the Secretary-General has the honour to transmit herewith the report of the Office of Internal Oversight Services on strengthening the role of evaluation findings in programme design, delivery and policy directives. The Secretary-General concurs with the approach to programme monitoring and evaluation described in the report.

* A/59/50 and Corr.1.

** The report was delayed because of extensive consultations with departments and offices.

04-33947 (E) 280504

# Strengthening the role of evaluation findings in programme design, delivery and policy directives

## Report of the Office of Internal Oversight Services

*Summary*

This report contains a review of evaluation capacity and practice in the Secretariat during the biennium 2002-2003. It also summarizes actions that will be undertaken by the Secretariat in the context of the Secretary-General's agenda for further change, which identified the need to strengthen the system of monitoring and evaluation (M&E) to better measure the impact of the Organization's work. The report concludes with proposals for consideration by the Committee for Programme and Coordination (CPC) to enhance the review of documentation produced within the programme planning, budgeting, monitoring and evaluation cycle, and presents a choice of topics for future in-depth evaluation.

The overall conclusion of the OIOS review is that evaluation capacity in the Secretariat is sustained by reasonably sound institutional arrangements and evaluation practices which can support further improvements in the short term. In accordance with General Assembly resolution 58/269, these improvements should focus on a clearer allocation of resources in all sections of the programme budget for 2006-2007 to enable improved performance of monitoring and evaluation activities. In addition, managers need to assess M&E needs, revisit the issue of organizational placement of the evaluation function with a view to clarifying arrangements covering M&E activities in their programmes and allocate appropriate resources and time for these activities. Furthermore, attention needs to be paid to systematic planning of both in-depth and self-evaluation. Clarification of evaluation terminology will also ensure more uniform use. These actions could be effectively undertaken in conjunction with the preparation of programme budgets for the biennium 2006-2007. In addition, a revised timeline and actions are presented with a view to enhancing the availability and use of performance and evaluation information for preparing strategic frameworks for the 2008-2009 biennium.

Pilot activities aimed at the use of self-evaluation in the context of results-based approaches have been instructive in highlighting the need to develop participatory processes and better systems of organizational learning. Review of a sample of reports produced during the biennium demonstrated that evaluations were useful in a variety of ways, even if their coverage was not comprehensive or their results used systematically. Some programmes and projects have set up systems to apply lessons learned. Future evaluations should be more rigorous in their use of baseline data, and go beyond considerations of programme efficiency and effectiveness to assessing whether programme efforts have led to change or verifiable impact.

The report describes five specific actions that are under way in the Secretariat to define roles and responsibilities for monitoring and evaluation, and develop a stronger evaluation capacity within the programmes of the Secretariat. Proposals are also made to modernize the central evaluation function so that it can act as a repository and disseminator of sound evaluation practices and lessons learned. The report also contains two proposals for consideration by CPC to enhance the role of intergovernmental review of results-oriented M&E products.

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# I. Introduction

1. The present report is the eighth in a series of reports that have been submitted biennially since 1988 to the General Assembly through the Committee for Programme and Coordination (CPC) in accordance with the established regulations.[1] It presents an overview for 2002-2003 of the Secretariat's evaluation capacity, and the application of evaluation findings in programme design, delivery and policy directives. The report then examines the progress in implementing action 21 (e) of the Secretary-General's report entitled "Strengthening the United Nations: an agenda for further change",[2] which envisaged a strengthened system of evaluation and monitoring system that will better measure the impact of the Secretariat's work. The report concludes with recommendations on further strengthening of monitoring and evaluation for consideration by CPC and also proposes topics for further in-depth evaluations.

# II. Current evaluation capacity and practice in the Secretariat

2. To assess evaluation capacity and practice in the Secretariat, the Office of Internal Oversight Services (OIOS) conducted a survey of 23 programmes of the medium-term plan, of which 20 responded. The survey focused on: (a) existing institutional arrangements (including all resources devoted to the evaluation function); (b) types of evaluations undertaken; and (c) self-evaluation experience. Respondents were also asked for their assessment of the impact of training in using results-based evaluative techniques introduced in 2002-2003, as well as for their suggestions for strengthening the evaluation system. Based on the results of this survey, OIOS concludes that, overall, evaluation capacity in the Secretariat is sustained by reasonably sound institutional arrangements and evaluation practices. However, a number of vulnerabilities, such as disparate resource allocation for evaluation, dissimilar evaluation planning protocols, uneven capacity in evaluation tools and techniques and inconsistent use of evaluation terminology, suggest the need for further improvements.

## A. Institutional arrangements for evaluation

3. Three criteria were used for assessing the capacity and strength of the evaluation function in different programmes: existence of a dedicated unit and reporting lines of this unit or those responsible for evaluation; resources allocated for evaluation; and regular planning of evaluation activities. The majority of programmes — 14 out of 20 — have a unit dedicated to evaluation. The remaining six programmes have no consistent organizational structures for managing the evaluation function, but rather try to tailor relevant activities to their specific demands. In terms of reporting lines, in seven programmes the evaluation function is directly supervised by the manager in charge (i.e., the Under-Secretary-General or Executive Director). In the other 13 programmes, the evaluation responsibility is affiliated with programme planning, policy and development studies entities and its reporting lines vary accordingly.

4. Sixteen of the 20 responding programmes provided concrete staffing data. Among these 16 programmes, a total of 82 staff (63 Professional and 19 General

Service staff) are involved in the evaluation function. Only 40 of the 63 Professional staff work full-time on evaluation; 31 of the full-time staff are at P-2 to P-4 levels. Nine staff at the P-5 level have full-time responsibility for evaluation. Four posts at the D-1 level were reported as being involved in evaluation, all on a part-time basis. In regard to the small number of senior staff responsible for evaluation, some programmes are of the view that this is not a serious concern, especially if the evaluation entity reports directly to the head of the programme, while others maintain that for evaluation findings to impact on decision-making, the person responsible for evaluations should be part of the senior management team. OIOS finds more merit in the latter view. Indeed, the seniority of the evaluation manager can be critical in identifying strategic and cross-cutting issues for evaluation and ensuring that evaluations findings are taken seriously by the senior management with a view to informing the key planning decisions and the assessment of results achieved.

5. There is unanimous recognition among respondents that genuine strengthening of monitoring and evaluation activities in the Secretariat is greatly dependent on the leadership, commitment, support and attention given to it by the senior-most managers. OIOS believes that at this juncture, when the strengthening of the monitoring and evaluation system is on the reform agenda, it is imperative for senior managers to take concrete steps to assess monitoring and evaluation (M&E) needs, revisit the issue of organizational placement of the M&E function in their programmes and allocate appropriate resources and time for M&E activity. To enhance its impact, this exercise should be linked to the preparation of budget proposals for 2006-2007.

6. Data on the type and amount of non-staff evaluation costs was not consistently reported by respondents. While 13 responding programmes indicated that they earmarked funds for evaluation, only 7 were able to provide specific dollar amounts. In this connection, it may be relevant to consider resources for central evaluation functions in comparable organizations. For example, the United Nations Development Programme's central evaluation function is allocated $3 million annually and the World Bank's central evaluation department is allocated $20 million annually. The OIOS central evaluation function is allocated $700,000 annually. In most other international organizations, central evaluation entities have sufficient resources for developing evaluation standards, guidelines and training, researching and promoting best practices through learning networks. These other entities also manage a portfolio of evaluation assignments with help from short-term consultants, which allows broader and in-depth coverage of many issues in a shorter time through specialist expertise. In contrast, the Secretariat entities involved in evaluation rarely allocate short-term funds for consultancies, training or developing and sharing of lessons learned.

7. The above pattern reflects the fact that there are currently no clear guidelines in the Secretariat on the appropriate level of resources to be dedicated for evaluation, particularly regarding the regular budget. The urgency of developing such guidelines is underscored by the demands for increased verification, validation, data gathering and analysis in the context of the results-based budgeting and programme performance reporting. These activities require stronger skills in logical framework analysis and indicator measurement on the part of managers and their staff. OIOS believes that developing such guidelines as part of the 2006-2007 budget instructions to be issued in 2004, could be a first step in implementing the

request of General Assembly resolution 58/269 to ensure that resources are clearly identified in all sections of the proposed programme budget for the performance of the monitoring and evaluation functions.

8. The established rules require programme managers to prepare evaluation plans regularly.[3] The survey requested information on whether evaluation plans were prepared for 2002-2003. If no plan was prepared, a follow-up question asked for details on how programmes decided on evaluation topics and scheduled evaluations. Of the 20 programmes, 8 had evaluation plans (it is noteworthy that 7 of these have an evaluation unit). Most of the programmes without formal evaluation plans had a variety of arrangements for scheduling evaluations: decisions by intergovernmental bodies on annual evaluation themes; response by evaluation staff to suggestions from programme managers and to recommendations of oversight bodies; and reliance on self-evaluation activities geared to the results-based budgeting process. OIOS believes that these varied approaches to scheduling evaluations — from formal plans to ad hoc exercises — should be streamlined and systematized. OIOS plans to issue in 2004 clear and practical guidelines on evaluation planning and execution in conjunction with the 2006-2007 budget instructions (see para. 7 above).

## B. Evaluation practices

9. It is an established requirement that all programmes shall be evaluated on a regular, periodic basis; to that end six categories for classification of evaluation were envisaged,[4] namely in-depth, internal, ongoing, ex-post and external evaluations, along with self-evaluations. Responses to the OIOS survey provided information on 134 evaluations that were conducted in 2002-2003. The breakdown by type was: 37 in-depth evaluations; 36 project evaluations; and 61 "other" types of evaluations. Thirty-five of the 61 "other" evaluations were described as programme evaluations, institutional and operational evaluations or self-evaluations.

10. The survey responses illustrate that programmes do not consistently use the same nomenclature for classifying evaluations which indicates that the terminology used for evaluations needs to be clarified. A uniform nomenclature of the types of evaluation and the focus and classification of evaluation in terms of the party responsible for the activity is required. A joint task force of staff from monitoring and evaluation units will be set up by OIOS to produce a comprehensive glossary of evaluation terminology that should become uniform and standard throughout the Secretariat.

11. During the previous biennium, 30 per cent of requests for evaluation were from Member States; 32 per cent were requested by programme managers; and 38 per cent of all requests for evaluations came from other parties. In terms of implementation, 29 per cent of all evaluations were conducted by programme managers; 30 per cent by external experts; 6 per cent by Member States; 9 per cent by the OIOS; 1 per cent by the Joint Inspection Unit; and 25 per cent of them were conducted by other parties. OIOS believes that the multitude of actors involved in evaluations ensures a healthy diversity of expertise and vantage points that enriches the evaluation capacity of the Secretariat.

12. In order to assess how evaluations are used in the Secretariat, OIOS selected and examined 39 different evaluations that reflected a variety of approaches to

evaluation. Summarized below are highlights and key features of the products and processes of the United Nations Environment Programme (UNEP), the Office for the Coordination of Humanitarian Affairs (OCHA), the United Nations Conference on Trade and Development (UNCTAD), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Economic and Social Commission for Asia and the Pacific (ESCAP) and the Department of Public Information (DPI) that are, in the OIOS assessment, among the better evaluative practices.

13. An example of a comprehensive and systematic examination of programme performance is UNEP's evaluation report for 2002, which focused on its three principal subprogrammes and which also covered project-level evaluations. It had lessons learning sections, and recommendations for enhancing organizational learning through knowledge management and sharing best practices. The report was presented to UNEP's Governing Council to facilitate its deliberations on what the programme has learned and how that knowledge should inform its near- and longer-term plans.

14. The Office for the Coordination of Humanitarian Affairs has developed a three-year evaluation plan and management response matrices for follow-up to its evaluations. The evaluation plan sets a good example with emphasis on the effectiveness in achieving results, documenting lessons learned, promoting institutional learning and aiming at greater accountability in the use of resources. The management response matrices contain evaluation recommendations, managers responsible for their implementation and the relevant milestones and deadlines. OIOS believes this practice deserves to be emulated by other departments.

15. UNCTAD submitted its programme assessment 2002-2003 to the Trade and Development Board (TDB). It is notable that the assessment report for 2000-2001 was used as a basic document for mid-term review by TDB, midway between UNCTAD X and UNCTAD XI. Both reports follow the logical framework established in the biennial budgets and serve as reference material to UNCTAD stakeholders on the results achieved during the period as well as a guide to the secretariat in application of the lessons learned with a view to enhancing the delivery of mandates. A number of thematic or programme evaluations and summaries of project evaluations are also submitted for TDB's consideration. Many of the evaluated projects are regional or global, and their implementation bears strongly on overall results achieved by UNCTAD. Currently, judgements about their effectiveness are often made in terms of activities carried out and outputs produced. OIOS believes that it would have been beneficial to make more pronounced emphasis on using indicators reflecting the impact of these activities, both in the near term and mid-term. This approach is more visible in evaluations of projects under the capacity-building programme on trade environment and development, which use a set of objectively verifiable results indicators, thus establishing the basis for future analyses of effectiveness and impact.

16. The evaluations provided by the Office of the United Nations High Commissioner for Human Rights focused on project-level issues. Some of these evaluations considered the cost-effectiveness of what had been done, thereby enhancing their quality. The material also contained a global review of the Office's technical cooperation programme. It consisted of a combination of thematic and country studies. The thematic studies looked into the different interventions in specific areas in a number of country projects while the country studies looked at

the Office's interventions in a specific country over time and covered several project interventions. The country and thematic studies were carried out by different evaluators who were coordinated by a group which was responsible for putting together a synthesis report. Translating its conclusions into "lesson learned" could enhance the impact of such analyses. The Office sample reaffirms the point that a mix of different types of evaluations at programme, subprogramme and project levels allows assessing more comprehensively the overall effectiveness and impact of a programme and results in a wider range of more relevant lessons learned.

17. In ESCAP, evaluation of its publications focused on their impact on end-users. Based on these end-users' feedback, measures were proposed to enhance the quality and usefulness of publications and to improve the planning, production and dissemination processes. The proposals were endorsed by the Commission. Among other ESCAP evaluative material, some reports, such as evaluations of the Asian highway project, stood out in terms of making emphasis on assessing effectiveness and impact in a longer term perspective with a view to assisting managers with future programme design.

18. The evaluations provided by the Department of Public Information focused mostly on the assessment of the quality of services delivered based on responses from end-users to questionnaires. Some of these evaluations also aimed to capture and analyse data on the longer-term effects of the Department of Public Information activities such as progress in shaping global public opinion about the United Nations, or strengthening relationship with various segments of civil society. OIOS believes that such evaluations of external partnerships should be given wider application by other programmes with a view to assessing the effectiveness of their advocacy efforts.

19. A few observations have emerged from the review of submissions received in response to the OIOS questionnaire. One is that evaluations done in the last biennium were useful in a variety of ways, even if their coverage was not comprehensive nor their results used systematically. Some programmes and projects have been examined intelligently, while some programmes have set up systems to apply the lessons learned.

20. Another observation is that most of the 39 evaluation reports reviewed focused on the issues of implementation, resource mobilization and follow-up. Assessments of effectiveness were mostly in terms of immediate or short-term outcomes such as numbers of positive reactions to publications produced and numbers of trainees that expressed, through a follow-up questionnaire, satisfaction with training provided. However, insufficient use was made of baseline data, and progress was not always assessed in relation to established benchmarks. While this kind of assessment of effectiveness is a relevant and a necessary first step in performance assessment, to make an evaluation comprehensive, it is necessary to factor in the programme and subprogramme objectives, expected accomplishments, indicators of achievement, baselines and targets as the standard against which relevance, effectiveness and impact should be assessed.

21. Yet another observation is the lack of consistency between the accomplishments reported for some of the programmes in the programme performance report[5] and the results of evaluations and self-evaluation of the same programmes. OIOS believes that more attention should be given by departments and offices to ensuring close correlation between the results of evaluations of

programmes and how programme performance is being reported, integrating both in the monitoring and evaluation system.

22. OIOS also observed the need to gear the design of evaluations to a specificity of outputs, services and results that a particular programme delivers. While some programmes emphasize advocacy and facilitate global norm-setting, others foster international commonality in gathering, interpreting and analysing socio-economic data, while still others focus mainly on support services. Such diversity calls for flexibility in evaluation approaches and techniques that take account of the differences in objectives, expected accomplishments and outputs of various programmes.

23. Self-evaluation is a very important component of the overall evaluative activities of the Organization. In terms of its use by programme managers, 19 of the 20 programmes responding to the OIOS survey indicated that they had conducted self-evaluation exercises during the biennium. The major obstacles to conducting self-evaluation were identified as a lack of commitment from programme managers, shortage of time and resources, and the need for further guidance, training and monitoring of programme implementation. In terms of the value of self-evaluation, it was seen as useful in improving policy and programme design through helping the programme manager to gain perspective. It also catalysed rethinking basic assumptions, provided an avenue to better understand the clients' needs and facilitated participation, clarity and commitment from all levels of staff. Programme managers found these aspects of self-evaluation particularly useful when establishing goals for the next programme plan.

24. Regarding self-evaluation, CPC requested that enhanced self-evaluation support should be provided by OIOS and that this current biennial report should provide an account of progress.[b] OIOS considers the reporting of accomplishments by programme managers under the results-based paradigm and the conduct of self-evaluations as two complementary exercises. This approach was the point of departure in OIOS' promotion of self-evaluation. Key activities undertaken in this regard are discussed below.

25. Starting in September 2002, OIOS carried out activities aimed at updating the conceptual framework for self-evaluation. The aim was to clarify the role of self-evaluation in the context of results-based budgeting, and the outcome was the formulation of the key criteria for self-evaluation. These criteria provided that self-evaluation: (a) is planned, systematic and has a defined scope and timeline; (b) is an essential factor of support to the logical framework of each subprogramme in the biennial budget; (c) is conducted by managers whose use of self-evaluation enables them to periodically take stock of and reassess the assumptions implicit in their logical frameworks; (d) assesses progress and results at the subprogramme level; (e) draws on regular monitoring and ongoing learning, includes consideration of all relevant evaluations and feedback from end-users; and (f) takes account of external factors that have influenced the achievement of results by a subprogramme. These criteria were shared with monitoring and evaluation focal points in all programmes in mid-2003 and were built into the IMDIS-supported performance reporting.

26. In order to test and validate these criteria by practice, OIOS undertook two self-evaluation pilot projects in 2003 with a view to using the lessons learned from these pilots for fostering self-evaluation in 2004-2005. The key objective of the pilot projects was to demonstrate and document the ways in which programme

managers use self-evaluation in meeting their needs regarding the internal assessment of programme effectiveness and impact, efficiency gains and periodic stocktaking of progress. The first involved a pilot with the Department of Public Information and provided an example of how self-evaluation could be customized to the specific needs of a department. The second pilot explored ways of incorporating self-evaluation as part of a Secretariat-wide effort to train and guide programme managers during the latter part of 2003, as they compiled their programme results for the programme performance report for 2002-2003.

**Pilot 1.**
**Introducing a culture of evaluation: supporting the Department of Public Information in conducting its first annual programme impact review**

27. In 2002, the Department of Public Information embarked on a comprehensive programme of reforms. This involved a new mission statement, organizational restructuring (including rationalizing its network of United Nations information centres), and the introduction of a strategic approach to its promotional efforts by defining the Secretariat departments as "clients" and instituting a new client planning process. Self-evaluation is an integral component of the Department's "new operating model" and the basis for a three-year cooperative project with OIOS.

28. In the first year of this pilot exercise, OIOS' role was to support the Department in its effort to introduce an annual programme impact review (APIR) as a means to systematically begin evaluating its key products and activities. APIR employs a results-based framework similar to that of the programme budget, incorporating self-evaluation in the daily work of programme managers. OIOS' participation began in February 2003 and helped establish a methodological framework and action plan for APIR, which was piloted in a single division in DPI and then replicated across the Department. The first APIR exercise took place in January 2004.

29. The key conclusions of the first year of this pilot, drawn from a joint OIOS/Department of Public Information assessment done in February and March 2004, are as follows:

(a) *Self-evaluation can be used to help align goals and facilitate internal assessments*. Through a series of facilitated discussions, programme managers identified and validated both departmental and divisional goals. They then used this framework to identify key activities/products and define indicators and measures for use in their self-evaluation activities. By the end of 2003, the Department had formulated 170 performance indicators, captured in a database for internal use by programme managers, to help track and assess their activities. Furthermore, by the January 2004 APIR exercise, programme managers had collected baseline data on two thirds of these indicators. A foundation has therefore been established to ensure systematic monitoring which will yield information of value for the annual self-evaluation exercises in the future;

(b) *APIR processes are best planned in distinct phases*. These phases should cover formulation, internal self-evaluation discussions, selection of best practices and lessons learned, and presentation of lessons learned in a forum of senior managers. In the Department of Public Information, the APIR took the form of an internal meeting of all senior Department staff, chaired by the Under-Secretary-

General. It considered presentations on the Department's response to the crisis in Iraq; results of Dag Hammarskjöld Library surveys among users of its services and training programmes; on the design and launch of the Department's client planning process; and improvements of United Nations information centre work plans;

(c) *A stocktaking phase is a crucial step when introducing a new form of self-assessment*. The final phase of the 2003 APIR process was a series of stocktaking sessions, facilitated by OIOS, to capture experiences, both positive and negative. Among the conclusions of this exercise were the following: (i) exercises to align departmental goals with divisional and section goals were crucial in identifying both key activities/products and performance measures at the section level; (ii) the identification of a "best practice" (i.e., outcome that is associated with replicable success) and a "lesson learned" (i.e., an outcome that is less satisfactory and poses a challenge), requires further attention; (iii) the database for performance indicators was a useful compilation of information but required refinement in order to make it a monitoring tool; and (iv) the APIR process provided a useful opportunity for staff to reflect on the year's activities. These lessons were used in planning the 2004 APIR, which began in April 2004 as a continuation of the cooperative agreement between OIOS and the Department;

(d) *Alignment of APIR with key elements of the programme planning, budgeting, monitoring and evaluation cycle should be pursued*. There is scope to further rationalize and streamline these processes which would ensure more coherence and save staff time.

**Pilot 2.**
**Updating and using self-evaluation as a way of defining results**

30. The second pilot activity was aimed at the incorporation of self-evaluation concepts and practices into the programme managers' input to the programme performance report for 2002-2003. This was done by emphasizing self-evaluation as part of the assessment process undertaken by programme managers in preparing their accomplishment accounts and statements of accomplishment. Self-evaluation within the results-based framework, based on all indicators of achievement and invoking other relevant sources of evaluation information, was introduced in the training provided to all programme managers during the last two quarters of 2003.

31. Key conclusions of this pilot were:

(a) The OIOS training enhanced the role of self-evaluation as an integral part of results-based performance assessment by helping programme managers to build a cogent account of accomplishments based on data gathered and formulated through participatory self-evaluation meetings of managers and staff of each subprogramme. The value of these meetings was that they went beyond the customary stocktaking of activities and examined the original assumptions implicit in the programmes' logical framework; assessed progress in terms of the indicators of achievement; and discussed the results that had been achieved during the biennium and the lessons learned that could be applied to future programming;

(b) The introduction of "accomplishment accounts" and "accomplishment statements" in preparing the latest programme performance report provided an opportunity to foster the "learning" aspects of self-evaluation. Experience indicates that there is a considerable scope for further developing organizational learning and

knowledge management capacity through self-evaluation and performance assessment. There appears to be a solid foundation to build on: programme managers demonstrated tangible progress in mastering the results-based approach by having provided accomplishments reports that transcend mere implementation of outputs and are increasingly framed in terms of verifiable, qualitative statements of progress and change based on indicators and reliably collected, consistent data.

## III. Strengthening of results-oriented monitoring and evaluation

32. As part of his agenda for further change,[7] the Secretary-General identified the need for a strengthened system of evaluation and monitoring to better measure the impact of the Organization's work and to ensure that programme performance and evaluation will have a practical impact on future plans and resource allocation. Subsequently, areas that required specific attention were identified:[8] (a) to improve the timeliness of performance reporting so that there is a clearer link between results assessment by programme managers and the preparation of new plans and budgets; (b) to ensure that the Secretariat and intergovernmental bodies devote more time to assess results achieved and evaluation findings; (c) to ensure enhanced consideration by intergovernmental and expert organs of evaluation reports; (d) to ensure that evaluations provide broader and more diverse coverage and tackle issues of relevance and impact; and (e) to earmark resources to improve the practice of self-evaluation as well as ensure better use of evaluation findings. Efforts within the Secretariat to reform evaluation have been guided by General Assembly resolutions 57/300, in which the Assembly welcomed the Secretary-General's efforts to strengthen the system of evaluation and monitoring, and 58/269, in which it urged the Secretary-General to improve the format and timing of programme performance and evaluation reports, and to ensure that resources are clearly identified in all sections of the proposed programme budget for the performance of the monitoring and evaluation functions.

33. In implementing this strategy, a working group was convened by OIOS with eight other departments and programmes. The working group has developed two clusters of proposals: (a) actions to be taken by the Secretariat to strengthen M&E and (b) suggestions for support needed from intergovernmental bodies, including CPC.

### A. Actions by the Secretariat

34. **Action 1**. To enhance the use of programme performance and evaluation information for planning:

(a) Programme managers will be requested to conduct a preliminary performance assessment at the subprogramme level for the current biennium (2004-2005) in the last quarter of 2005, prior to formulating their strategic frameworks for the biennium 2008-2009 (which will be done in December 2005/January 2006). OIOS will provide comments on these preliminary assessments to facilitate managers' consideration of results achieved so that lessons learned will be taken into account in formulating the strategic plans for 2008-2009. The preliminary performance assessment to be undertaken in the last quarter of 2005 should reflect consideration by programme managers of their self-evaluations of activities

undertaken during the 2004-2005 biennium, and should also draw on information, findings and recommendations contained in other evaluations conducted during the same period. It is envisaged to maintain this timetable for the future with appropriate adjustments based on lessons learned from the first exercise. The chart contained in the annex presents the timing of the activities as well as the links within the context of the overall budgeting cycle;

(b) The role of the Integrated Monitoring and Documentation Information System (IMDIS) in management and performance monitoring will be enhanced through designing its new version around the needs of programme managers, ensuring that the user community guides its design and makes it more user-friendly. To ensure this, an effective means for receiving users' feedback and discussing new IMDIS features will be set up and adequate funding will be sought in the 2006-2007 budget for the development of IMDIS.

35. **Action 2**. To ensure that leadership, commitment, support and attention are provided by senior managers to M&E:

(a) An annual stocktaking/self-evaluation process (along the lines of the APIR exercise piloted by the Department of Public Information and discussed earlier) should become common throughout the Secretariat to strengthen the learning from performance. Highlights and key results of these self-evaluations will be reflected in the annual programme management plans and compacts presented to the Secretary-General;

(b) The recruitment, selection and assessment of programme managers at the P-5 level and above should reflect the requirement for competencies in M&E skills and responsibilities for the use and application of M&E findings and recommendations. All managers will ensure that individual PAS work plans specifically identify M&E goals and activities which will be subject to subsequent appraisal;

(c) Training needs analysis to help define a new M&E skills training programme will be undertaken by the Office of Human Resources Management, with the involvement of the Office of Programme Planning, Budget and Accounts, OIOS and the Department of Economic and Social Affairs in 2004. Such training will be developed and introduced in 2005 so that current and new appointees can develop/refresh their knowledge of logical frameworks and M&E concepts. Completion of this training in M&E skills will be made compulsory for those promoted to positions at the P-5 level and above.

36. **Action 3**. To upgrade evaluation resources and planning:

(a) Budget instructions for 2006-2007 will require managers: to provide information on the self-evaluation systems in place within their programmes and self-evaluation activities conducted in the last biennium; to describe how the results of self-evaluations have been used; and specify resources to be used for self-evaluation in 2006-2007;

(b) Programme managers will be requested to prepare biennial evaluation plans that cover both external and self-evaluation activity for the biennium 2006-2007.

37. **Action 4**. To make evaluation methodology and practice more coherent, clear and consistent, a joint task force comprising representatives from the Department of

Management, OIOS and evaluation offices of the programmes will develop, by fall 2004, a glossary of recommended common evaluation terminology and guidelines on evaluation planning to be released in conjunction with budget instructions (see para. 8 above). A handbook on common evaluation policies, procedures and standards, including a variety of evaluation reporting formats aimed at satisfying diverse needs of different stakeholders, will be developed in 2005.

38. **Action 5**. To strengthen the central evaluation capacity in line with the existing regulations,[9] a more intensive cooperation and collaboration of departments and offices with a more effective central facility which would facilitate such cooperation and collaboration is required. Such a central facility should develop and update standards and training materials; oversee, organize and facilitate training; act as a clearing house for the Organization-wide evaluation activities and as a repository and disseminator of best practices. It is expected to have a strong analytical and methodological capacity to address lessons learned in monitoring and evaluation areas throughout the Secretariat and recommend relevant actions. Towards this end, it is envisaged that appropriate provision will be made in the OIOS 2006-2007 budget for this central evaluation facility within the limitations of the overall resource growth policy.

## B. Support needed from intergovernmental bodies

39. **Suggestion 1**. To improve the linkages between the review of past programme performance and assessments of future strategic framework, the CPC could consider:

(a) Adopting the simultaneous review of the programme performance report and strategic framework as an established practice. While this does not solve the problem of a biennial gap in performance information (i.e., the current programme performance report covers 2002-2003, while the strategic frameworks cover 2006-2007), this approach has merit since plans are generally formulated at a strategic level and expected accomplishments do not change dramatically from biennium to biennium. This simultaneous review by CPC will also give programme managers an opportunity to relate their achievements to the presentations of their proposed strategic frameworks to CPC;

(b) Identifying essential issues emanating from the review of the two documents (e.g. the overall design of programmes, merits of indicators used, etc.), for more in-depth reviews in June 2005 to enable CPC to provide guidance to the Secretariat before programmatic preparations are initiated for 2008-2009;

(c) Adopting a decision requesting the Secretary-General to task relevant programme managers with producing reviews of any issues that emanate from CPC's scrutiny of the programme performance report and strategic frameworks, in time for its next session in June 2005.

40. **Suggestion 2**. At present, the CPC deliberations do not have the benefit of the views and recommendations of other legislative and specialized intergovernmental bodies on various evaluation reports pertaining to relevant substantive areas. CPC should consider asking intergovernmental bodies overseeing substantive programmes and subprogrammes to do the following:

(a) Examine, as a matter of course, future objectives, expected accomplishments and indicators of achievement of the Secretariat entities under their purview and provide CPC with their considered views, rather than simply "noting" relevant reports;

(b) Establish "programme assessment" as a standing item on their agendas and review progress in implementing envisaged results and appraisals that have been made;

(c) Create subcommittees (or some other arrangements adapted to the needs of the entity concerned) to enable more in-depth deliberations on reports. These subcommittees could then feed their findings and recommendations to the specialized intergovernmental body.

## IV. Topics for future in-depth evaluations

41. Since the late 1990s, this report has also become the means for OIOS to propose topics for its future in-depth evaluations. The considerations that led to proposals for 2006-2007 are explained below.

42. The following programmes have not been the subject of in-depth evaluation since 1994: Protection of and assistance to refugees; Political affairs; Peaceful uses of outer space; Human rights; Trade and development; Economic and social development in the regions; Africa: New Agenda for Development; Least developed countries; and Management and central support services. It should be noted that the work of the Management and central support services programme has in the past been reviewed by the Advisory Committee on Administrative and Budgetary Questions. Similarly, the programmes Peaceful uses of outer space, Human rights and Trade and development have been the subject of comprehensive management reviews by OIOS over the last three years, while the programme Protection of and assistance to refugees is currently the subject of a review by the Joint Inspection Unit.

43. Since CPC has agreed previously to the OIOS proposal for scheduling one in-depth evaluation each year, the schedule of in-depth evaluations for CPC review in 2006 and 2007 might include the following options:

(a) Social development and poverty alleviation — the Secretariat-wide evaluation;

(b) Political affairs;

(c) Least developed countries, landlocked developing countries and small island developing States;

(d) United Nations support for the New Partnership for Africa's Development;

(e) Information and communication technology; infrastructure, transport and tourism; regional subprogrammes.

44. In a separate report (E/AC.51/2004/2), OIOS proposes three possible themes for a pilot thematic evaluation to be decided by CPC at its forty-fourth session for consideration at its forty-fifth session.

# V. Conclusions and recommendations

45. The strengthening of monitoring and evaluation envisaged by the Secretary-General should include addressing the following key issues by programme managers: (a) ensuring that the organizational placement and arrangements for the evaluation function is revisited in each programme; (b) establishing the practice of evaluation results being reviewed by senior management; (c) identifying resources for carrying out monitoring and evaluation function in all sections of the proposed programme budget for 2006-2007; and (d) ensuring that evaluation plans are prepared for each programme along with the proposals for the 2006-2007 budget. To support this, OIOS will issue guidelines on evaluation planning in conjunction with the 2006-2007 budget instructions and will lead the production of a glossary of evaluation terms to be used uniformly in the Secretariat.

46. To help both managers and Member States assess results and use lessons learned when making decisions on future plans, a revised timeline of activities has been developed to enhance the availability and use of programme and performance evaluation for planning and budgeting. This involves the preparation of preliminary performance assessments by programme managers in the last quarter of the biennium prior to their formulation of strategic frameworks at the end of the biennium (see para. 34 above and annex).

47. Programme managers should aim to emulate the following best evaluation practices: (a) emphasizing the reliance on baselines, benchmarks, performance measures and other qualitative indicators in carrying out evaluation; (b) formulating lessons learned based on evaluation findings; (c) drawing up action plans for follow-up on lessons learned, with concrete responsibilities and deadlines; (d) incorporating lessons learned into training activities; (e) monitoring the implementation of evaluation recommendations and assigning accountability for it.

48. Pilot projects undertaken during the last biennium to integrate self-evaluation into the results-based framework have yielded instructive lessons. These include the importance of using self-evaluation by programme managers as a planned and systematic activity, with a defined scope and timeline, to support effectively the monitoring of, and reporting on, programme performance under the results-based paradigm. The effectiveness of self-evaluation in this context is greatly enhanced when managers and staff collectively examine problems encountered and identify remedial measures. Consistent efforts should be made to foster an evaluation culture which stresses learning from both positive and negative outcomes and translates such learning into action.

49. **The Committee for Programme and Coordination may wish to:**

(a) **Note the five actions being taken by the Secretariat as outlined in paragraphs 34 to 38 above;**

(b) **Endorse the proposals presented in paragraphs 39 and 40 above;**

(c) **Review the information contained in paragraphs 41 to 44 above and recommend the in-depth evaluations for consideration by the Committee in 2006 and 2007.**

(*Signed*) Dileep **Nair**
Under-Secretary-General for Internal Oversight Services

*Notes*

[1] Regulation 7.4 of the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation (PPBME — ST/SGB/2000/8 of 19 April 2000).

[2] A/57/387.

[3] PPBME Rule 107.2 (b) (iii).

[4] See PPBME Rule 107.2 (a) and the definitions of evaluation types in the "Glossary" on page 16 of PPBME, respectively.

[5] A/59/69.

[6] A/57/16, para. 253.

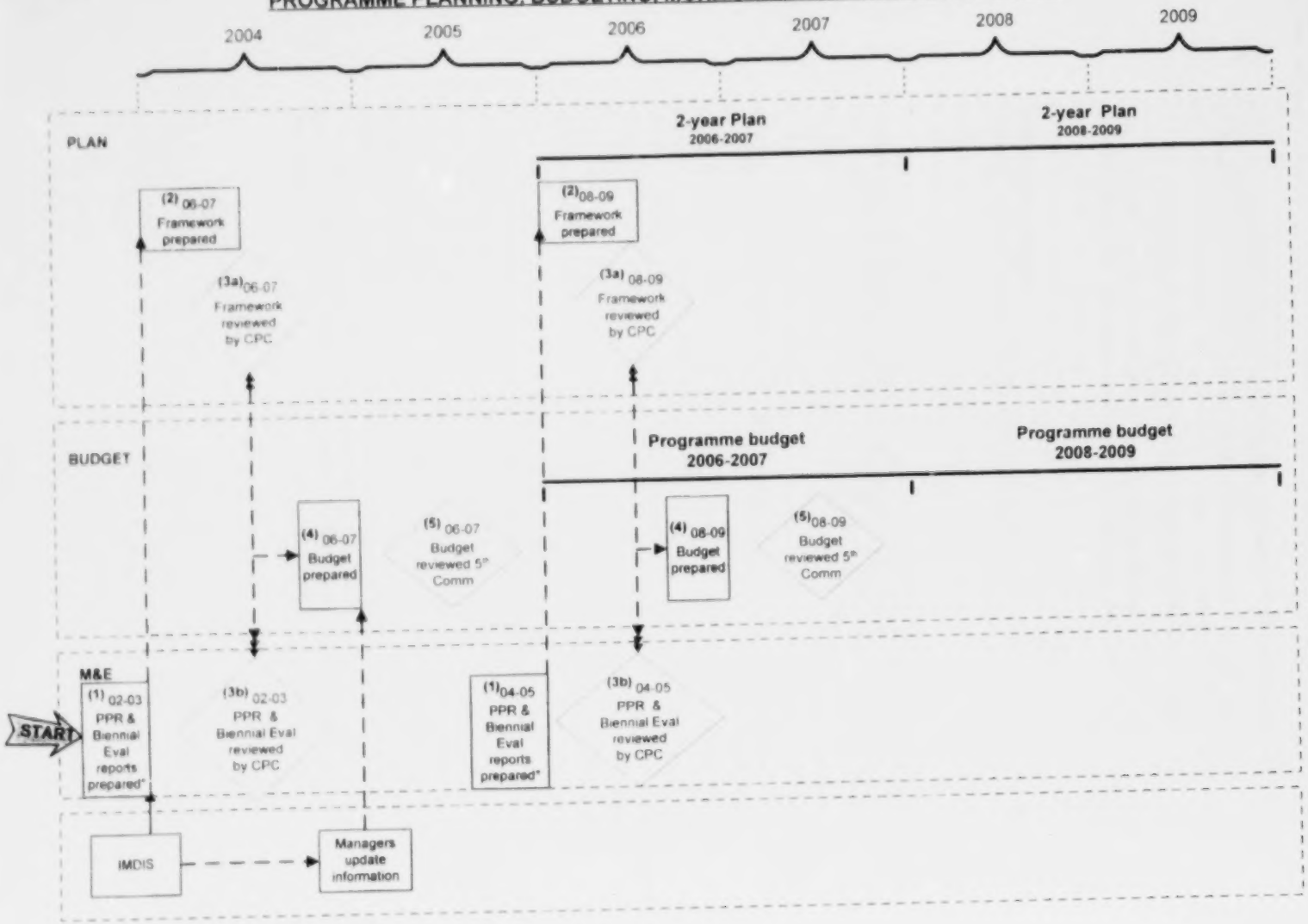
[7] See A/57/387.

[8] A/58/395.

[9] PPBME (ST/SGB/2000/8), rules 107.2 (b) (ii) and 107.3 (a).

## ANNEX

### PROGRAMME PLANNING, BUDGETING, MONITORING AND EVALUATION CYCLE




LABEL *1) PPR (Programme Performance Report)
2) Biennial Eval (Strengthening the role of evaluation findings in programme design, delivery and policy directives)

United Nations A/59/80–E/2004/61

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Item 13 (b) of the provisional agenda**
**Economic and environmental questions**

# Science and technology for development

## Note by the Secretary-General

The Secretary-General has the honour to transmit to the Economic and Social Council the report by the Secretary-General of the International Telecommunication Union on the first phase and progress in the preparations for the second phase of the World Summit on the Information Society as requested in General Assembly resolution 57/238.

* A/59/50.
** E/2004/100.

04-34194 (E) 030604

*Summary*

The present report has been prepared in response to General Assembly resolution 57/238, which calls upon the Secretary-General of the International Telecommunication Union to report annually to the General Assembly, through the Economic and Social Council, on preparations for the World Summit on the Information Society.

It provides, inter alia, a report on the outcome of the first phase of the Summit, held in Geneva, from 10 to 13 December 2003, as well as details on the preparations under way for the second phase of the Summit, to be held in Tunis from 16 to 18 November 2005.

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# Report of the Secretary-General of the International Telecommunication Union on the first phase and progress in the preparations for the second phase of the World Summit on the Information Society

## I. Background

1. The impetus for the World Summit on the Information Society began with a resolution introduced by Tunisia and adapted by the 1998 Plenipotentiary Conference of the International Telecommunication Union (ITU). This resolution called for consultations among the United Nations agencies, which led to agreement on the need to hold a World Summit on this topic. At its 2001 session, the International Telecommunication Union Council decided that the World Summit on the Information Society (WSIS) would be held in two phases: in Geneva from 10 to 12 December 2003 and in Tunis from 16 to 18 November 2005.

2. The Summit was endorsed by the General Assembly of the United Nations in resolutions 56/183 and 57/238. The resolutions call upon the Secretary-General of the International Telecommunication Union to report annually to the Economic and Social Council on the Summit.

3. The Summit was convened under the high patronage of the Secretary-General of the United Nations, with ITU taking the lead role in its preparation, in cooperation with other interested United Nations agencies and other international agencies, and the host countries, Switzerland and Tunisia.

4. The World Summit on the Information Society was designed to provide a global platform where key players — Governments, United Nations agencies, the private sector and civil society — could come together to develop a common vision and understanding of the information society and to adopt a declaration and a plan of action.

## II. Summit format

5. The preparation and holding of the World Summit on the Information Society introduced several innovations to the holding of global summits.

6. First, it was decided to hold the Summit in two phases, with Switzerland and Tunisia as the host countries. The first phase took place in Geneva and the second is scheduled for Tunis on 16-18 November 2005. This two-step process and the involvement of host countries from the North and South is facilitating full consideration of all relevant issues and promoting accountability of the Summit output, since the second phase can review the achievements of the period following the first phase. Several difficult issues that could not be resolved in Geneva can be further considered in Tunisia.

7. Furthermore, considering that issues of the information society touch on the mandates of many agencies and programmes of the United Nations system, in 1999 the Chief Executives Board (CEB) of United Nations agency heads established the High-level Summit Organizing Committee (HLSOC) to coordinate the role and input of United Nations agencies in the Summit. The Committee is chaired by the

ITU Secretary-General and met formally on two occasions and at working level five times to prepare for the first phase. The Committee was instrumental in providing input to the Summit that led to recognition of the importance of international organizations as a stakeholder in implementing the Geneva Action Plan. Next, the Summit achieved further progress in ensuring the involvement of all stakeholders in major world gatherings. Both the private sector and civil society were closely involved in the Summit preparations and contributed significantly to the meetings of the Preparatory Committee. Civil society formed a bureau to represent its diverse viewpoints, and both that bureau and the private sector met on several occasions with the governmental bureau of the Summit. Sector members of ITU were automatically accredited to participate in the Summit and the preparatory process.

8. Finally, the Summit was organized on the basis of voluntary donations of funding and staff. The United Nations General Assembly did not provide any funding for the Summit and ITU governing bodies allocated only minimal sums. Given its multidisciplinary nature, an Executive Secretariat was established, based in Geneva and hosted by ITU, to prepare the Summit, consisting of experts detached from Governments, United Nations agencies, civil society and the private sector. Finances for Summit preparations were obtained through a fund-raising campaign to attract voluntary contributions and through a loan mechanism established by ITU.

## III. Summit preparatory phase

9. To identify the themes to be considered by the Summit, a preparatory process was initiated in July 2002. This process was led by the three preparatory committee meetings, which were held during 2002 and 2003.

10. In addition to the preparatory committee meetings, regional preparatory conferences were also held to assess challenges, opportunities and constraints stemming from the information society, to develop a common vision for the region and to prepare a plan to address the key issues and solve the problems identified.

11. The results of the regional conferences have been considered official contributions to the Summit, and their content was formally considered in the drafting of Summit documents. More information about the preparatory process is available at: http://www.itu.int/wsis/preparatory/index.html.

## IV. Outcome of the first phase of the Summit

12. The Summit was organized by ITU and Switzerland, with the support of many United Nations agencies, through the High-Level Summit Organizing Committee (HLSOC). The Secretary-General of ITU served as Secretary-General of the Summit and of the preparatory committee meetings.

13. The Geneva phase was the first global gathering of world leaders to address the issues of the information society, including the use of information and communication technologies for development, cyber-security, Internet governance, affordable access to communications, infrastructure and capacity-building, cultural diversity and the media.

14. The Untied Nations Secretary-General expressed a very positive attitude to information and communication technologies in his opening remarks to the Summit, pointing out that it was perhaps the first global Summit to be built around an opportunity rather than a problem.

15. The first phase was widely considered to be a success. Close to 50 heads of State or Government and vice-presidents attended the Summit. More than 11,000 delegates participated in the deliberations, representing 175 United Nations Member States. Other delegates who attended included:

- 3,300 representatives of civil society
- 514 business representatives from 99 organizations
- 87 international organizations
- More than 1,000 journalists.

16. The first phase was also the occasion for more than 300 Summit-related events in Geneva, including major meetings organized by many different United Nations agencies and other regional and international organizations.

17. The core outputs of the World Summit on the Information Society from the first phase are contained in two basic documents — a Declaration of Principles and a Plan of Action — which were drafted during the preparatory process and adopted by Governments in plenary at the Summit. The final texts are available at http://www.itu.int/wsis/.

## A. Achieving a common vision of the information society

18. The information society may be defined as a society in which social and economic development is based at least as much on the use of information and knowledge and on the exchange of services, as on industry or natural resources.

19. The Declaration defines a common vision of an inclusive and people-centred information society, in which all citizens should be able to create, access, utilize and share information and knowledge. For this reason, the Declaration recognizes that information and communication technologies are a fundamental tool to foster social and economic development. Their advancement and promotion by Governments and other stakeholders are prerequisites for this achievement.

## B. Setting out an agenda for building an inclusive, development-oriented information society

20. After setting forth a definition of what an information society should be, the Declaration establishes 11 basic principles. Key among them are the importance of infrastructure as an essential foundation of the information society, the need for affordable access to information and knowledge, capacity-building, enabling environment, building confidence and security in the use of information and communication technologies, e-applications and international and regional cooperation.

21. Following those principles, the Plan of Action lists a wide range of activities that must be undertaken to harness the potential of information and communication technologies to contribute towards human progress. The Plan of Action can be subdivided into two parts. The first is a set of objectives and action lines to be achieved by 2015, with the main intent being to ensure access to information and communications by all citizens, coupled with specific targets and dates to connect all key institutions (schools, hospitals, etc.).

22. The second part of the Action Plan links the principles of the Declaration with specific actions. Although the Plan of Action is addressed to all stakeholders, in many sections, it refers specifically to tasks to be undertaken by international organizations and to their efforts to assist Governments.

23. Together, the documents represent a forceful statement of the case for information and communication technologies, including specific targets for connectivity and information and communication technology deployment and applications that could be implemented nationally and internationally to help achieve the Millennium Development Goals.

## C. Initiate action in a number of crucially important areas, such as the creation of a digital solidarity fund and Internet governance

24. Since the Summit will have two phases, participants have the possibility to continue discussion on two particularly complex issues that could not be resolved in Geneva, i.e., Internet governance and financing mechanisms.

25. To move forward, the Declaration and Plan of Action call upon the Secretary-General of the United Nations to establish a working group on Internet governance and to organize a task force on financing mechanisms to bridge the digital divide.

26. To support the process of consultations on the issue of Internet governance, a small secretariat will be set up in Geneva. Since last December, a number of meetings on Internet governance have already been organized to follow up on the Summit's outcomes: an ITU workshop (Geneva, 26 and 27 February 2004); an Internet Corporation for Assigned Names and Numbers workshop (Rome, 5 and 6 March 2004); a meeting of the International Chamber of Commerce's (ICC) special advisory committee (Paris, 24 February 2004); and a United Nations Information and Communication Technology Task Force global forum on Internet governance (New York, 25 and 26 March 2004). These events attracted wide participation from all sectors and helped the various stakeholders to achieve a better understanding of the issues involved and to convey their respective positions.

27. As for a task force on Information and Communication Technology funding, the Administrator of United Nations Development Programme (UNDP) has been asked to take the lead in following up on the relevant recommendations of the World Summit on the Information Society, in consultation with the World Bank and the Department of Economic and Social Affairs of the United Nations Secretariat.

# V. Summit implementation and the role of the United Nations family

28. The Summit provides a departure point for action. All stakeholders will have now to continue contributing to the preparation of the Summit's second phase and work to implement the Plan of Action approved in Geneva.

29. The next steps towards the second phase require United Nations agencies to contribute to the implementation of the Geneva Plan of Action within their respective mandates, to help organize and actively participate in thematic meetings and other Summit-related events, and to contribute both staff and financial resources to the secretariat of the Summit.

## A. United Nations System Chief Executives Board for Coordination

30. The outcome of the first phase was on the agenda of the Board meeting, which took place in Vienna on 2 April 2004. The Board considered the first phase of the Summit a success, and stressed the importance of implementing the Plan of Action of the Geneva phase and collectively addressing the challenges ahead, in particular those involving the key issues of Internet governance and funding mechanisms to bridge the digital divide. It urged its members to participate actively in the preparatory process of the Tunis phase of the Summit and contribute to ensuring its success. The Committee also requested the High-level Committee on Programmes for a substantive, action-oriented paper to assist its deliberations on the subject at its fall 2004 session, building on the work of the High-Level Summit Organizing Committee.

## B. High-Level Summit Organizing Committee

31. The High-Level Summit Organizing Committee held its third meeting on 1 April 2004, just ahead of the Board meeting in Vienna, to evaluate Summit outcomes and the possible role of United Nations organizations.

32. Members underlined the importance of a system-wide mobilization in implementing the Summit's outcomes, and concluded that United Nations agencies must make every effort so that they can report on significant progress at the Tunis phase of the Summit. This will require careful collaboration and cooperation among Board members to avoid duplication of efforts and to enhance synergies. To achieve this, a careful and thorough stocktaking exercise of current and planned actions relating to the Summit is going to be prepared with the participation of all Organizing Committee members, and will then be posted on the Summit web site.

# VI. Towards the second phase

33. An informal brainstorming took place in Hammamet, Tunisia, on 2 and 3 March 2004, to exchange ideas and views on the path to follow towards the second phase of the Summit.

34. The Geneva phase of the Summit called for a preparatory meeting in the first half of 2004 to set the road map and the issues for the second phase. This meeting will be held in Hammamet from 24 to 26 June 2004.

35. The provisional Bureau for the Summit has been established, with 30 members plus the two host countries.

## VII. Conclusion

36. **Building on the success of the first phase, there is great interest in this second phase and in the realization of the objectives set out in the Plan of Action. However, it is important to fully benefit from the momentum gained and from the goodwill and the international consensus among all stakeholders generated during the Geneva phase of the Summit. It is vital that Governments support the second phase, and the Secretary-General of ITU has already launched a fund-raising campaign for that purpose.**

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# Products harmful to health and the environment

## Report of the Secretary-General

*Summary*

The present report is submitted in compliance with General Assembly resolution 39/229, in which the Secretary-General was requested to report every three years through the Economic and Social Council on products harmful to health and the environment, including the publication of the Consolidated List of Products Whose Consumption and/or Sale have been Banned, Withdrawn, Severely Restricted or Not Approved by Governments. The List, containing restrictive regulatory decisions on chemicals and pharmaceuticals, is prepared in cooperation with the United Nations Environment Programme and the World Health Organization, as part of an effort to disseminate information internationally on products harmful to health and the environment.

The report provides an overview of activities undertaken by United Nations system organizations and other major developments in the area of environmentally sound management of chemicals since the previous triennial review in 2001. It also contains recommendations for consideration by the Economic and Social Council.

* A/59/50 and Corr.1.
** E/59/100.

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# I. Introduction

1. In its resolution 37/137 of 17 December 1982, the General Assembly requested the Secretary-General to prepare a Consolidated List of Products Whose Consumption and/or Sale Have Been Banned, Withdrawn, Severely Restricted or Not Approved by Governments[1] on the basis of the work already being undertaken within the United Nations system. In its resolution 39/229 of 18 December 1984, the Assembly decided, inter alia, that an updated Consolidated List should be issued annually and that the data should be made available to Governments and other users through direct computer access to it. In accordance with this decision, the format of the List has been kept under continued review, in cooperation with the relevant organs, organizations and bodies of the United Nations system, with a view to its improvement, taking into account its complementary nature, the experience obtained and the views expressed by Governments. In accordance with the same resolution, the Secretary-General was requested to inform the Assembly at its forty-first session and every three years thereafter, through the Economic and Social Council, on the implementation of the aforementioned resolutions.

2. In compliance with the most recent Economic and Social Council resolution (2001/33) on the List, in which the Council requested the Secretary-General to look into the possibility of using online dissemination data in the List, a special effort was made, in addition to preparing it for printing, to make the next scheduled issue available online. The eighth issue was posted on the Council web site in September 2003 on a trial basis. Since then, two more issues of the List have been posted, while the feasibility of providing online access to a sales publication are being discussed.

3. The present report, covering the seventh triennial review of the Consolidated List, is prepared in compliance with the aforementioned resolution and other resolutions of the General Assembly (38/149, 44/226) and the Economic and Social Council (1998/41). It provides an overview of major recent developments, reported by organizations of the United Nations system, regarding products which are harmful to human health and the environment and makes proposals on the possible impact of these developments on the format, content and coverage of the List. The report also describes recent adjustments in the production schedule and distribution pattern of the List. It includes the developments which are active in the sound management of chemicals.

# II. Review of the Consolidated List

## A. Format, scope and content

4. Continuous review of the format and content of the Consolidated List have made it possible to expand its coverage and scope. While the List, in line with General Assembly resolution 37/137, has remained easy to read and understand, the number of products listed and the number of Governments reporting have regularly increased with each new issue. Thus, the first issue of the List covered less than 500 products regulated by 60 Governments. The two most recent issues (ninth and tenth) put together would cover approximately 1,100 chemical and pharmaceutical products regulated by 113 Governments.

5. The scope of information contained in the List has remained essentially the same over the years. The List is divided in two parts. Part I, compiled by the United Nations, the World Health Organization (WHO) and the United Nations Environment Programme (UNEP), contains the text of restrictive regulatory decisions taken by competent national authorities on both pharmaceutical (monocomponents and combinations) and chemical (agricultural and industrial) products. Consumer products have been included only when they are hazardous because of their chemical composition. Psychotropic and narcotic substances, covered by international conventions, are included only in cases where a country has notified WHO either that the substance is controlled more rigorously than is provided for under the relevant international conventions, or that the substance has been subjected to national control before being considered for international scheduling. The List does not include many widely used industrial chemicals to which occupational exposure limits have been assigned by national authorities. Information on these products is available in publications of the International Labour Organization (ILO).[2] Similarly, relevant information on food additives, which fall outside the scope of the List, is considered by the Food and Agriculture Organization of the United Nations (FAO)/WHO Codex Alimentarius Commission.[3] The regulatory information also includes references to the relevant legal and statutory documents in order to enable the user to ascertain the legal context and scope of the regulations. There are, in addition, bibliographic references to scientific and technical studies by international organizations relating to chemical products. In addition, the List includes an alphabetical and classified listing of products and three indexes: scientific and common names, trade/brand names and Chemical Abstract Service Registry numbers.

6. WHO regularly provides explanatory comments regarding information on related national regulatory actions taken on almost all pharmaceutical products. These comments contain useful information reflecting the position of Governments on their regulatory actions in the light of different national priorities, thus providing context for these actions. UNEP and the International Programme on Chemical Safety, however, are not able to provide similar comments on regulatory actions related to chemicals, because of the large number of products in which these chemicals appear and the many applications of such products. Nevertheless, in the case of pesticides and chemicals covered under the Rotterdam Convention, decision guidance documents, prepared by the Convention secretariat, provide detailed information, including summaries of risk and benefits and reasons for regulatory action.

7. Part II of the Consolidated List contains commercial information relating to a large proportion of the products included in part I. The commercial data is compiled by the United Nations Secretariat from publicly available sources and includes information on the manufacturers of these products and their generic and, if available, proprietary trade names, under which these products are marketed worldwide. Only the name and location of the parent company is included in the List, even when the actual producer is a subsidiary located in another country. An effort is made to verify collected commercial data with the respective manufacturer before printing the List.

8. Recognizing that all pharmaceutical and chemical products are potentially harmful if not correctly used, it is worthwhile to highlight a number of considerations that may affect the contents of the Consolidated List, such as:

(i) decisions taken by a limited number of Governments on a specific product may not be representative of the policy position of other Governments, particularly in view of differing risk/benefit considerations; (ii) the fact that a given product is not listed as regulated by a country does not necessarily mean that its use is permitted in that country; rather, it may mean that the relevant regulatory decision to prohibit its use has not yet been communicated to the United Nations, WHO or UNEP; and (iii) in the case of pharmaceuticals and pesticides, which are frequently subject to compulsory registration procedures, the product may not have been submitted for registration.

9. As mentioned earlier, information included in the List on pharmaceutical products is provided by WHO, which collects and disseminates it through various exchange mechanisms, among them: (i) the international drug monitoring programme, which collaborates in monitoring suspected adverse drug reactions with the aim of identifying, at the earliest possible moment, the liability of a drug to produce undesirable effects which were not detected during its clinical trials; (ii) the WHO certification scheme on the quality of pharmaceutical products moving in international commerce through which the exporting country is required to certify, on request, the quality control standard drugs. In the case of a product not authorized for sales or distribution in the exporting country, the reasons are explicitly stated and, when relevant, grounds for refusal are disclosed; (iii) WHO drug information circulars contain information received from Member States on the safety and efficacy of drugs, which include any decision to prohibit or limit the availability of a drug already in use, any decision to refuse the approval of a new drug and any approval when accompanied by restrictive provisions.

10. Information on a considerable number of chemical products and related data included in the Consolidated List has been provided by UNEP and originates from a variety of sources, especially the legal file of the International Register of Potentially Toxic Chemicals and submissions made under the original voluntary prior informed consent (PIC) procedure. In 1995, however, UNEP ceased updating the legal file. In 1998, when the original voluntary PIC procedure was superseded by the interim PIC procedure — operated in accordance with the provisions of the Rotterdam Convention — it became apparent that virtually all the notifications of bans or severe restrictions previously submitted under the original procedure did not meet the new information requirements, as set out in annex I to the legally binding Rotterdam Convention. Consequently, the Convention secretariat only considers as valid those notifications of bans or severe restrictions that meet the requirements of the Convention. Notwithstanding that the number of products covered under the Convention is still rather limited, it would be useful to continue to provide information on identified restricted products through the List until the process under the Rotterdam Convention can review and take a decision on the inclusion of many of these products.

11. In connection with the asymmetry between the small number of chemical products currently covered under the chemical conventions (Rotterdam, 37; Stockholm, 12) and the large number of chemical products that are included in the Consolidated List (over 500), it is worthwhile to mention that it will take longer to add new products under the Conventions, with their legally binding mandates, their focus on specific products and their strict criteria for the inclusion of new products, including detailed documentation. However, the List is an instrument mandated by the General Assembly in its resolution 37/137 and other resolutions, with the

primary responsibility of disseminating information available within the United Nations system on products harmful to health and the environment on which regulatory actions have been taken by Governments, to as wide an audience as possible.

12. It is also important to note that summaries of notification of regulatory action received by the Rotterdam Convention secretariat, if not satisfying all elements of the criteria specified in annex I to the Convention, are not published; only limited information is circulated. Irrespective of the decision of the Convention secretariat, these notifications are deemed to be valid within respective issuing countries and thus qualified to be included in the List.

## B. Utilization, dissemination and computer access

13. Close attention has been paid to having the Consolidated List published as laid down in General Assembly resolutions 39/229 and 44/226. Dividing the list into two separate issues — one for pharmaceuticals and the other for chemicals — has not only aided in the handling of large and growing databases, but has also made it possible to print the number of copies according to the need of each group of users, respectively, thereby facilitating the distribution of the publication to a more focused group of users every year.

14. The List continues to present, in a unified manner, information on restrictive regulatory decisions taken by Governments on a range of pharmaceutical and chemical products. As such, it is a recognized source of valuable information for Governments in ensuring access to information that may be useful in taking appropriate regulatory measures for the use of pharmaceutical and chemical products in the light of their particular national circumstances. Furthermore, the provision of information on trade names, under which these products are marketed, adds value to the List and makes it easier for national authorities and others monitoring such activities to identify a restricted product available in the local market. The identification of the product with its manufacturer also provides access to safety data sheets and other information available from the manufacturer. In addition, commercial data provides an easy method to cross-reference trade names with recognized common scientific names under which most regulatory information is available. Other users of the List include intergovernmental organizations, academic institutions, concerned non-governmental organizations, the media and other members of civil society. The List has thus proved to be an important tool for public interest and consumer groups in bringing to the attention of Governments and manufacturers the need to remove hazardous products from the marketplace and in raising awareness among public officials and non-governmental organizations on the health-related effects of using certain products.

15. In accordance with General Assembly resolution 39/229, which calls for the List data to be made available to Governments and other users in such a form as to permit direct computer access to it, information contained in the List was transferred to diskettes on an experimental basis. The Secretariat continued to work on the feasibility of producing the List data on diskettes/CD-ROMs, with search facilities, and to make them available as sales items in addition to the printed text. In compliance with Economic and Social Council resolution 2001/33, in which the Council requested the Secretary-General to look into the possibility of online

dissemination of the List, the eighth issue of the List, containing complete historical data on pharmaceuticals, became the first issue to be printed as well as posted on the Council web site under publications in September 2003, on a trial basis.

16. Since September 2003, the ninth and tenth issues of the List, containing, respectively, the most recent available data on chemicals and pharmaceuticals, had been posted on the Internet and, at the same time, a short version of each had been published. These versions contain only new and updated information since the publication of the respective previous issues. The short version is printed for the benefit of those users of the List, particularly in the developing countries, who may not have easy access to the Internet, or those who would like to continue to receive the publication in the printed version for reasons of their own. It is recommended that the short version be used in conjunction with the most recent printed version of the List containing complete historical data. In view of the List being a sales publication, consultations are under way on whether to develop a subscription scheme or to provide free of charge Internet access on a permanent basis to the List's database.

17. Starting with the second issue of the Consolidated List, a questionnaire has been included in the List for the purpose of assisting the Secretariat to determine the use to which the List is being put. The List continues to play an important role in facilitating information and decision-making on products which are restricted in some countries but still available in others.

# III. Developments since the previous triennial report

## A. United Nations Conference on Environment and Development-related cooperation mechanisms and chemical conventions

18. Ever since the United Nations Conference on Environment and Development,[4] chapter 19 of Agenda 21 has reflected the preoccupation and the work of the organizations of the United Nations system in the area of environmentally sound management of toxic chemicals. The current work on the issue of products harmful to health and the environment is based mostly on the principles indicated in chapter 19, which encouraged increased national and international efforts for intensive international work and designated the International Programme on Chemical Safety (IPCS)[5] as the nucleus for international cooperation. IPCS was set up jointly by UNEP, WHO and ILO in 1980 to establish risk assessment for the safe use of chemicals and for technical cooperation in chemical safety. Furthermore, chapter 19 stated the need for increased coordination of United Nations bodies and other international organizations involved in chemicals assessment and management. This led to the establishment of two new coordination mechanisms for strengthening coordination at the international level (see paras. 20-21 and 22-26 below).

19. In September 2002, the World Summit on Sustainable Development[6] adopted the Johannesburg Plan of Implementation, which reflects renewed commitments to the sound management of chemicals and includes some new commitments and targets. For example: (i) the aim to achieve, by 2020, the use and production of chemicals in ways that lead to the minimization of significant adverse effects on human health and the environment; (ii) the development, by 2005, of a strategic approach to international chemicals management; (iii) national implementation of

the new globally harmonized system of classification and labelling of chemicals fully operational by 2008; (iv) the entry into force of the Rotterdam and Stockholm Conventions by 2003 and 2004, respectively; (v) development of coherent and integrated information on chemicals, such as through national pollutant release and transfer registers; (vi) reduction of risks posed by heavy metals; and (vii) issues related to hazardous waste. The World Summit provided a fresh impetus to the ongoing work of the relevant United Nations system organizations and concerned intergovernmental processes in the environmentally sound management of chemicals. A brief summary of activities undertaken by some of these mechanisms since the previous report of the Secretary-General is described below.

### 1. Inter-organization Programme for the Sound Management of Chemicals

20. The Inter-organization Programme for the Sound Management of Chemicals (IOMC)[7] has been designed to serve as a mechanism for coordinating efforts of intergovernmental organizations in the assessment and management of chemicals. There are seven participating organizations: UNEP, ILO, WHO, FAO, the United Nations Industrial Development Organization, the United Nations Institute for Training and Research (UNITAR) and the Organization for Economic Cooperation and Development (OECD). The Inter-organization Programme for the Sound Management of Chemicals provides a forum to these organizations to collaborate as partners in promoting international work related to the environmentally sound management of chemicals, within the framework of their own respective mandates. IPCS carries out a number of chemical safety-related activities as a contribution to IOMC.

21. The Inter-organization Coordinating Committee brings together representatives of the participating organizations of IOMC for consultations on the planning, programming, implementation and monitoring of their activities. The Coordinating Committee prepares and periodically updates an inventory of the chemical safety activities of the participating organizations. The Committee has established coordinating groups which provide a means for interested organizations working in these areas to discuss ways and means of ensuring that their activities are mutually supportive, to monitor progress and to identify issues of concern. These coordinating groups have dealt with issues of the harmonization of chemical classification systems; chemical information exchange; pollutant release and transfer registers; assessment of existing chemicals; chemical accident prevention, preparedness and response; and identification and management of obsolete stockpiles of pesticides and other chemicals. The Committee has direct responsibility for the coordination of the capacity-building activities of the participating organizations.

### 2. Intergovernmental Forum on Chemical Safety

22. The International Conference on Chemical Safety established in 1994 the Intergovernmental Forum on Chemical Safety (IFCS),[8] which is an international mechanism for cooperation in chemical safety. The Forum brings together public and private stakeholders, including Governments, intergovernmental bodies, non-governmental organizations and other representatives of civil society in efforts to arrive at policy guidance and strategies to build partnerships and enhance coordination in the promotion of chemical safety. The Forum, a non-institutional organization, has held, since its inception, four sessions. Between sessions of the

Forum, a Standing Committee provides, inter alia, initial input on significant new issues to be considered by the Forum, as well as advice and assistance with regional efforts and monitoring of progress.

23. At its first session, in 1994, the Forum adopted priorities for action for the effective implementation of the programme areas set out in chapter 19 of Agenda 21. The recommendations contained in the priorities for action were addressed to Governments and also provided guidance to international bodies for the development of tools for use by Governments in meeting their national targets. At the second session, held in Ottawa in February 1997, the Forum reviewed activities carried out since the first session and provided further recommendations to the General Assembly at its special session in 1997 for the review of progress in the implementation of Agenda 21. Considerable progress was reported in achieving the targets included in chapter 19.

24. At its third session, held in Brazil in October 2000, the Forum reviewed progress on the follow-up of the programme of action and previously set targets. Substantive progress was reported in meeting most of the targets. The Forum adopted the Bahia Declaration and Priorities for Action beyond 2000, which were addressed to Governments, international organizations, industry, labour unions and public interest groups and included an update of objectives in established areas, as well as targets set in several new areas. All partners of the Forum were called upon to participate actively in realizing the Priorities within a defined time frame.

25. The fourth session of the Forum was held in Bangkok from 1 to 7 November 2003, under the theme "chemical safety in a vulnerable world". The Forum took stock of the progress achieved on the commitments and recommendations made at the previous sessions. It focused on the following topics:

(a) *Children and chemical safety*. The Forum identified the need to consider chemical exposures that occur during preconception and, throughout gestation, infancy, childhood and adolescence. It recommended that Governments prepare, through multistakeholder consultations, initial national assessments of children's environmental health and chemical safety, promoting education and training on children's chemical safety and commit to taking action to prevent or reduce exposure, and requested WHO to convene a meeting to explore mechanisms for collecting data and disseminating information that could be used to reduce uncertainty in risk assessments;

(b) *Occupational safety and health*. The Forum urged ILO, WHO and FAO to strengthen their collaboration in occupational safety and made specific recommendations in each of the following five areas of concern, which correspond to programme areas of chapter 19 of Agenda 21, namely, assessment of chemical risks, harmonization of chemical classification and labelling, information exchange, risk reduction programmes and capacity-building;

(c) *Generation and availability of hazard data*. The Forum stated that for all commercial chemicals, appropriate hazard information should be made available to the public and other information should be accessible according to a balance between the public's right to know and the need to protect valid confidential business information. It encouraged Governments to establish national priorities for information generation on chemicals not produced in high volume and to promote the timely generation of hazard data;

(d) *Acutely toxic pesticides — risk management and reduction.* The Forum recommended that Governments take actions to reduce pesticide poisoning incidents, including implementation of relevant agreements, prioritize pest management in national development strategies, promote integrated pest management, substitute acutely toxic pesticides with safer alternatives, ensure appropriate labelling, avoid the build-up of obsolete pesticide stocks and establish or enhance national systems of surveillance and reporting on poisonings.

(e) *Capacity-building.* In the area of capacity-building assistance, the Forum asked all participants to take full advantage of existing funding opportunities, strengthen bilateral capacity-building efforts, ensure adequate capacity for the sound management of chemicals, disseminate success stories and integrate chemical management into their environmental management programmes. In connection with capacity-building, the Forum also addressed the wide gap that exists between developed and developing countries in their ability to pursue chemical safety policies. It decided to establish an ad hoc expert group with the mandate to propose a systematic way to strengthen the sound management of chemicals in countries with an expressed need for such assistance.

26. The Forum also passed resolutions and made recommendations on (i) a globally harmonized system for the classification and labelling of chemicals; (ii) the prevention of illegal international traffic in toxic and dangerous products; and (iii) a strategic approach to international chemicals management. The fifth session of the Forum will be held in Hungary in the second half of 2005 or early 2006.

### 3. Persistent organic pollutants (Stockholm Convention)

27. Persistent organic pollutants (POPs),[9] a certain category of chemicals, attracted international attention in the 1960s and 1970s owing to evidence that exposure to very low doses can lead to cancer, damage to the nervous system, diseases of the immune system, reproductive disorders and interference with infant and child development. These chemical substances persist and bioaccumulate and pose a risk to human health and the environment. With further evidence of the long-range transport of these substances to regions where they have never been used or produced and the consequent threat they pose, there was an urgent need for global action to reduce and eliminate their release into the environment.

28. In 1995, the UNEP Governing Council invited IOMC, IFCS and IPCS to initiate an assessment process regarding an initial list of 12 POPs.[10] IFCS convened a working group to develop a work plan for assessing available information on them. The working group concluded that sufficient information existed to demonstrate the need for international action to minimize the risks from the 12 POPs, including a global legally binding instrument, and forwarded its recommendations to the UNEP Governing Council and the World Health Assembly. In 1997, the Governing Council, endorsing these conclusions and recommendations, requested that UNEP, together with the relevant international organizations, prepare for and convene an Intergovernmental Negotiating Committee with a mandate to develop, by the end of 2000, an international legally binding instrument for implementing international action, beginning with the 12 specified POPs.

29. The Intergovernmental Negotiating Committee held five sessions between June 1998 and December 2000 to conclude negotiations on the convention. The Conference of the Plenipotentiaries convened in Stockholm, from 22 and 23 May

2001 to adopt the International Legally Binding Instrument for Implementing International Action on Certain Persistent Organic Pollutants (the Stockholm Convention), which was signed by 91 Governments and the European Commission. The Convention required 50 ratifications and a 90-day waiting period to come into force. After receiving the fiftieth instrument of ratification from France, on 17 February 2004, the Convention entered into force on 17 May 2004.

30. The treaty calls for international action on 12 POPs grouped into three categories of pesticides, industrial chemicals and unintended by-products. Governments were asked to promote the best available techniques and environmental practices for replacing existing POPs, while preventing the development of new ones. Criteria and procedures have been developed to identify additional POPs. Other key elements of the treaty include: the requirement that developed countries provide new and additional financial resources; control measures to eliminate the production and use of intentionally produced POPs; the elimination of unintentionally produced POPs, where feasible, and management and disposal of POPs wastes in an environmentally sound manner; and substitution involving the use of safer chemicals and processes to prevent toxic by-products.

31. Since the adoption of the Convention, the Intergovernmental Negotiating Committee has continued to meet, under interim arrangements, to prepare for the first conference of the parties. At its sixth and seventh sessions, the Committee adopted decisions on: POPs review committee; expert group on the best available techniques (BAT) and the best environmental practices (BEP); clearing-house mechanism; national implementation plans (NIPs); technical assistance; centres for capacity-building and technology transfer; DDT; register of specific exemptions; exempted use; party reporting; effectiveness evaluation; non-compliance; tool kit for identification and quantification of dioxin and furan releases; interim financial arrangements; the budget and the financial mechanism. The first meeting of the conference of the parties is scheduled to be held in Punta del Este, Uruguay, in April or May 2005.

### 4. Prior informed consent (Rotterdam Convention)

32. As a result of continuous collaboration that began in 1989 between FAO and UNEP on the principle of prior informed consent (PIC),[10] on 10 September 1998, the Conference of Plenipotentiaries, held in Rotterdam, the Netherlands, adopted the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade. The Convention, which was signed by 72 States and one regional economic integration organization, was to have entered into force 90 days after the submission of the fiftieth instrument of ratification. That condition was met on 26 November 2003, when Armenia ratified the Convention. Accordingly, the Convention entered into force on 24 February 2004.

33. The objective of the Convention is to promote shared responsibility and cooperative efforts among parties in the international trade of certain hazardous chemicals in order to protect human health and the environment from potential harm and to contribute to their environmentally sound use, by facilitating information exchange about their characteristics, providing for a national decision-making process on their import and export and disseminating these decisions to the parties. The Convention applies to banned or severely restricted chemicals or pesticides and

also includes severely hazardous pesticide formulations that are not otherwise banned or severely restricted according to the Convention. It originally covered 27 products,[12] including 17 pesticides, 5 severely hazardous pesticide formulations and 5 industrial chemicals.

34. In order to cover the period between the adoption of the instrument and its entry into force, the Rotterdam Conference decided to bring the original voluntary PIC procedure in line with the provisions of the Convention to enable, inter alia, a voluntary PIC procedure to continue to operate. This was called the interim PIC procedure. Under this new procedure, the Intergovernmental Negotiating Committee performed the functions of the Conference of the Parties. The Interim Chemical Review Committee was established by the Intergovernmental Negotiating Committee and UNEP and FAO were jointly designated as the secretariat for the Convention. The secretariat also ensured the operation of the interim PIC procedure.

35. As the subsidiary body of the interim PIC procedure, the Interim Chemical Review Committee considered draft decision guidance documents for new chemicals and made recommendations to the Intergovernmental Negotiating Committee on the inclusion of new chemicals in the interim PIC procedure. A total of 37 chemicals are currently subject to the interim PIC procedure. Among these are 22 pesticides, 9 industrial chemicals and 6 severely hazardous pesticide formulations. At its fifth session, held in Geneva in February 2004, the Committee discussed five more chemicals, but did not recommend any for inclusion.

36. In its capacity as a governing body for the interim PIC procedure, the Intergovernmental Negotiating Committee addressed issues such as: review of methods of collection of information; recommendations of the Interim Chemical Review Committee, and its operational procedures; inclusion of new chemicals; adoption of decision guidance documents and preparation for the first Conference of the Parties. At its tenth session, held in Geneva in November 2003, the Intergovernmental Negotiating Committee decided to hold one more session to facilitate the process of transition from an interim to a legally binding procedure and to include new chemicals in the interim procedure in advance of the Conference of the Parties. The eleventh session of the Committee will be held in Geneva on 18 September 2004, while the first Conference of the Parties to the Rotterdam Convention is scheduled to be held in Geneva from 20 to 24 September 2004.

### 5. Strategic approach to international chemical management

37. The initiative of UNEP to develop a strategic approach to international chemicals management (SAICM)[13] — based on the Bahia Declaration on Chemical Safety and the priorities for action beyond 2000, adopted by IFCS — was endorsed by the World Summit on Sustainable Development. The Johannesburg Plan of Implementation called for the completion of the SAICM process by 2005 in order to achieve effective management of risks throughout the chemicals' life cycle of production, use and disposal by 2020. The key feature of the process is its engagement of all sectors of society with an interest in chemical safety, including the environment, health, agriculture, labour, industry and development. The scope of SAICM remains to be determined by the stakeholders. A steering committee of IOMC (see paras. 21-22) members' organizations, IFCS, UNDP and the World Bank will oversee planning for the SAICM process.

38. In February 2003, the UNEP Governing Council endorsed the concept of an international conference, with preparatory meetings, as the basis for developing a SAICM through an open, transparent and inclusive process. Both the World Health Assembly, in May 2003, and the International Labour Conference, in June 2003, supported the SAICM process and called for full participation and contribution to its further development. IFCS, at its fourth session in November 2003, discussed the subsequent development of a SAICM and forwarded the outcome of its deliberations in the form of a report to the first session of the Preparatory Committee for the Development of a Strategic Approach to International Chemicals Management.

39. The first meeting of the Preparatory Committee met in Bangkok from 9 to 13 November 2003. The Committee discussed potential issues to be addressed during the development of a SAICM, examined ways to structure the discussion and considered possible outcomes of the process. At the conclusion of the meeting, the Committee adopted its report, which contains a summary of discussions held during the session, an addendum containing issues to be addressed during the development of a SAICM and several annexes containing items to be forwarded to the second session of the Preparatory Committee and a proposal for intersessional activities. The second session of the Preparatory Committee is tentatively scheduled to be held from 4 to 8 October 2004.

## B. Other developments

40. *Globally Harmonized System of Classification and Labelling of Chemicals.* The ongoing work on the harmonization of classification and labelling of chemicals was brought under the auspices of the IOMC Coordinating Group for the Harmonization of Chemical Classification Systems, with OECD, ILO and the Subcommittee of the United Nations Committee of Experts on the Transportation of Dangerous Goods as active members. In 1999 the Economic and Social Council enlarged the mandate of the main Committee and created the new Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals (GHS Subcommittee). After a decade of coordinated work, the Globally Harmonized System was adopted by the Subcommittee in December 2002 and endorsed by the Council in 2003 (resolution 2003/64). The System is now ready for worldwide implementation by countries and, as called for in the Johannesburg Plan of Implementation is to be fully operational by 2008. The UNITAR/ILO/IOMC Globally Harmonized System capacity-building programme is developing partnership activities and providing support to assist countries in developing and implementing the Globally Harmonized System in order to achieve the 2008 target.

41. *Heavy metals — mercury and lead.* In its 2002 report, the Global Mercury Assessment Working Group states that approximately 70 per cent of new quantified man-made mercury emissions to the atmosphere are from coal-fired power stations and waste incinerators and calls upon Governments to consider a list of options for addressing the dangers of mercury. These include reducing risks by reducing or eliminating the production, use and release of mercury, substituting other non-mercury-based products and processes, launching talks for a legally binding treaty, establishing a non-binding global programme of action and strengthening cooperation among Governments on information-sharing, risk communication, assessment and related activities. The Working Group also recommends a number of "immediate actions", including public awareness programmes targeted at sensitive

populations, such as pregnant women, waste disposal facilities for the safe destruction of obsolete mercury-containing pesticides and pollution control technologies for power stations.

42. The UNEP Governing Council, at its twenty-second session, noted in its decision 22/4 V that there was sufficient evidence from global mercury assessment to warrant immediate national action to protect human health and the environment from the release of mercury and its compounds. Governments were invited to submit their views on the possible medium and long-term actions on mercury. These views will help to decide which option to choose for further action regarding mercury and other heavy metals at the next Governing Council session in 2005. Moreover, the Governing Council, in its decision on lead (22/4 III), encouraged the sound management of lead-containing wastes through the application of technical guidelines and the reduction of lead exposure. Governments were called upon to act in cooperation with the private sector on the phase-out of leaded gasoline and lead-based paint.

43. *Multilateral Environmental Agreements*. Since 1997, the Committee on Trade and Environment of the World Trade Organization (WTO) has been holding annual information sessions on Multilateral Environmental Agreements (MEAs), where UNEP — which provides a secretariat to the Stockholm Convention and, jointly with FAO, to the Rotterdam Convention — and other MEA secretariats have made presentations on various trade-related aspects of their work, including technical assistance, capacity-building and information exchange. These sessions were intended to enhance understanding on various trade-related aspects, in particular, compliance mechanisms and dispute settlement provisions, in MEAs and WTO rules. Of approximately 200 MEAs, about 20, including the Rotterdam and Stockholm Conventions, contain trade-related provisions. In 2001, the Doha Ministerial Declaration[14] mandated, among other measures, (i) negotiations on the relationship between existing WTO rules and specific trade obligations set out in MEAs, and (ii) procedures for regular information exchange between MEA secretariats and the relevant WTO Committees and the criteria for the granting of observer status. The importance of technical assistance and capacity-building areas recognized in the area of trade and environment and exchange of expertise and experience was encouraged on national environmental reviews.

44. The Committee on Trade and Environment, through its special sessions, is conducting negotiations on these issues. In a review prepared for the fifth WTO Ministerial Conference, held in Mexico in September 2003, it was reported that the Committee had made significant progress on certain aspects of the mandate, but further efforts would be required in several other areas. There was general agreement that existing forms of cooperation and an information exchange between WTO, UNEP and MEAs had proven to be valuable and should be enhanced. The Committee had invited some MEAs and UNEP, on an ad-hoc basis, to its two special sessions during 2003 and hope was expressed that that cooperation would continue.

## IV. Future trends and emerging issues

45. The entry into force of the Rotterdam and Stockholm Conventions has raised hopes that they will contribute to the World Summit on Sustainable Development aim of ensuring that, by the year 2020, chemicals will be used and produced in ways

that minimize significant adverse effects on human health and the environment. In this regard, the successful conclusion of the SAICM process is essential to achieve the 2020 targets. At the same time they have raised concerns about the wide gap that exists between developed and developing countries in their ability to pursue chemical safety policies. Any effort to bridge the gap, in order to make meaningful further progress in any of the above-mentioned areas, will ultimately depend on the provision of technical assistance and capacity-building in the developing countries and mobilization of financial resources in support of national efforts.

46. The Rotterdam Convention has put an effective system in place for avoiding many of the dangerous practices of the past decades, when people were less aware of the dangers of toxic chemicals. The Convention offers member Governments, particularly in developing countries, the tools they need to protect their citizens and strengthen their chemical management. They can now decide which potentially hazardous chemicals they want to import and which to exclude because they cannot manage them safely.

47. The Stockholm Convention, apart from banning the use of POPs, also focuses on cleaning up the growing accumulation of unwanted and obsolete stockpiles of pesticides and toxic chemicals. This instrument is different in that, when Governments adopted the Convention, the Global Environmental Facility[23] was named as its financial mechanism. It has mobilized resources to support POPs projects in more than 100 countries in a short period of time. Backed by an alliance of developed and developing countries, which also includes industry and environmental groups, the Stockholm Convention holds the promise of a POPs-free world for future generations.

48. Both coordination mechanisms, IFCS and IOMC continue to realize important work on issues related to the sound management of hazardous chemicals and have been instrumental in helping to identify priorities for action by Governments and international organizations. They have contributed to the improved access to information, awareness of international activities and increased cooperation and coordination in the area of chemical safety. IFCS retains its unique position as an overarching and flexible mechanism initiating and responding to innovative policy proposals that could be placed on the agenda of the IOMC governing bodies, which has both the financial and technical resources necessary to take real action on the issues.

## V. Conclusions and recommendations

49. Since the previous triennial review by ECOSOC in 2001, there has been significant progress, particularly the coming into force, early this year, of the Rotterdam and Stockholm Conventions. The Conventions have put in place an effective system to deal with certain hazardous chemical products — an issue underlying the need to publish the Consolidated List — but the coverage of both Conventions, though legally binding, is still very limited in the number of products covered. In accordance with the spirit of General Assembly resolution 37/137, the List would continue to include data previously collected by the United Nations system organizations for dissemination until most of the products in the List are reviewed for inclusion by the Conventions.

**Recommendation 1**

50. **The Economic and Social Council may wish to consider online availability of the Consolidated List on a permanent basis, while printing only the updates in all the official languages of the United Nations, alternating between chemicals and pharmaceuticals every year.**

51. Recent positive developments in the environmentally sound management of hazardous chemicals — the coming into force of the Rotterdam and Stockholm Conventions, the adoption of the Globally Harmonized System, the WTO negotiations on cooperation with the MEA secretariats and UNEP and the launching of SAICM — all point to the overwhelming need for technical assistance and capacity-building in order for developing countries not only to take advantage of existing international mechanisms, but also to make further progress in this area. The expansion of capacity-building activities would be contingent upon the availability of substantial new financial resources to support national-level activities in the management of products harmful to health and the environment.

**Recommendation 2**

52. **The Council may wish to recommend to multilateral and bilateral agencies to continue to strengthen capacity-building and technical assistance activities in developing countries and urge the donor agencies to provide additional financial resources in support of national efforts to improve the environmentally sound management of toxic chemicals.**

53. There are thousands of chemicals available on the market and hundreds more are added each year, which poses a huge challenge for Governments, especially in developing countries, to monitor and manage these potentially dangerous substances, which are otherwise essential in the everyday lives of their citizens. To date, a piecemeal approach has been employed in dealing with the management of hazardous products, but the evidence is piling up for a life-cycle management approach, which is to achieve an effective management of risks throughout the life cycle of a chemical, i.e., from production and use to the disposal of waste. Therefore, the successful completion of the SAICM process is essential in order to achieve the 2020 targets endorsed by the World Summit on Sustainable Development.

**Recommendation 3**

54. **The Council may wish to recommend to Member States to participate fully in the process to develop SAICM to its successful conclusion by 2005 in order to achieve the 2020 target on the use and production of chemicals in ways that lead to the minimization of significant adverse effects on human health and the environment.**

*Notes*

[1] See A/41/329-E/1986/93, A/44/276-E/1989/78, A/47/222-E/1992/57, A/50/182 and Corr.1-E/1995/66 and Corr.1, A/53/156-E/1998/78 and A/56/115-E/2001/92.

[2] See www.ilo.org/public/english/protection/safework/standard/binder_specrisk.

[3] See www.codexalimentarius.net.

[8] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992* (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: *Resolutions adopted by the Conference*, resolution 1, annex II.

[9] See www.who.int/pcs.

[10] See www.johannesburgsummit.org.

[11] For further information, see www.who.int/iomc.

[12] See www.who.int/ifcs.

[13] See www.chem.unep.ch/pops.

[14] Nine pesticides: aldrin, chlordane, DDT, dieldrin, endrin, heptachlor, mirex and toxaphene; two industrial chemicals: hexachlorobenzene (HCB) and polychlorinated biphenyls (PCBs); and two unintended by-products: dioxins and furans.

[15] See www.pic.int.

[16] They are 17 pesticides (2,4,5-T, aldrin, captafol, chlordane, chlordimeform, chlorobenzilate, DDT, dieldrin, dinoseb and dinoseb salts, EDB (1,2-dibromoethane), fluoroacetamide, HCH (mixed isomers), heptachlor, hexachlorobenzene, lindane (gamma-HCH), mercury compounds and pentachlorophenol), 5 severely hazardous pesticide formulations (methamidophos, methyl-parathion monocrotophos, parathions and phosphamidon) and 5 industrial chemicals (crocidolite, PBBs, PCBs, PCTs and Tris (2,3-dibromopropyl) phosphate), which were originally included in the Convention in September 1998. The 4 additional chemicals included since then are binapacryl, ethylene dichloride, ethylene oxide and toxaphene.

[17] See www.chem.unep.ch/saicm.

[18] See http://www.wto.org/english/thewto_e/minist_e/min01_e/mindecl_e.htm.

[19] See http://www.gefweb.org.